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THE MUNRO SYSTEM  
OF  
BRITISH STATESMANSHIP IN INDIA

*by*

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WITH A FOREWORD

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THE RIGHT HONOURABLE

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THE UNIVERSITY OF MYSORE

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## PREFACE.

In the half-century that followed the American War of Independence, India was the chief outlet for British expansionist sentiment, and Great Britain concentrated its energies on extending its hold on India and on strengthening its communication with it.

Apart from outright military action to achieve the object, there were two kinds of civil effort corresponding to two conspicuous schools of administrative thought, the one represented by Cornwallis, Wellesley, Dalhousie and recently Curzon, and the other by humbler men like Munro, Malcolm, Elphinstone.

The first school ignored local institutions and traditions, and tried to substitute western ones in their places. Examples are the 'Code' of 1792, the Subsidiary Treaties (with Dalhousie's interpretation of them), the military orders leading to mutinies, the annexation of Sindh, etc.

The second school was attached to the ancient institutions of India, believing them to be most valuable for the foundation of British rule. There is nothing corresponding to the innovations of the opposite school. On the contrary there were sympathetic 'personal' touches in the administration, combination of powers, trial by panchayat, customary settlement, respect for the princes, etc.

The difference between the two lies in the line of approach to the problem of establishing a stable British

Empire in India. As suggested above, the one was hasty and even reckless, while the other was slow but sure.

Success attended the moderates because on the one side their method was in accordance with the English spirit of 'hastening slowly' and on the other it suited the Indians of the nineteenth century.

There is no doubt about the identity of the founder of the revolutionary school. He was Lord Cornwallis. But it is not quite so certain who initiated the rival policy.

Taking all relevant facts, *viz.*, time, place, ideas, action and reputation of the men of this period, there is good reason to suppose that Sir Thomas Munro was the founder of this group. He is remembered as a capable soldier and successful administrator. His opinions have been published almost in full. His influence on his friends, his employers and the succeeding generations has been noted. The only point that history has not so far made clear is that he was the first man in the service of the Company who opposed the Cornwallis system and offered an alternative method of government.

This book is an attempt to assess with the aid of contemporary and later documents the services that Munro rendered to England and India.

I believe that Professor H. H. Dodwell of London University and Dr. E. P. Metcalfe, the late

Vice-Chancellor of Mysore University, will be glad to see this work of mine. Because Professor Dodwell was far more than a teacher during the twenty-one months of my residence and study at London for the Ph. D. degree and Dr. Metcalfe was the very embodiment of kindness and sympathy in the several years that elapsed after my return from England and during which I carried on researches in the subject of this writing.

I owe a deep debt of gratitude to Professor K. A. Nilakanta Sastri of Madras University for his keen interest in this work. By a fortunate course of events from 1930, my relations with him are those of a disciple to his guru.

I desire to express my thanks to the Royal Historical Society and to the University of London Publication Committee for encouraging the publication of this work; to Sir Charles Todhunter K.C.S.I. (at Mysore) and Mr. Percy Macqueen M.A., I.C.S. (at Madras) for reading and commenting upon my first draft in 1933; to the Right Honourable Mr. V. S. Srinivasa Sastri, P.C., C.H., for his foreword; to Mr. Philip Morrell, M. P. for supplying copies of the letters published as Appendix A; and to the University of Mysore for doing me the honour of publishing the work at their own cost.

I can never forget the services of my old and distinguished students, Mr. K. Gopinatha Rao, M.A. and Mrs. M. Sharadamma, M.A., in reading the proofs and preparing the glossary and the index. I thank them most sincerely.

Finally I have to express my high appreciation of the quality of the work done by the B. B. D. Power Press.

K. N. V. S.

MYSORE .

*2nd February 1959*

## FOREWORD.

This study of Sir Thomas Munro is a thorough and conscientious piece of historical research and reflects great credit on the author. The documents printed—some for the first time—as appendices are chosen with discernment and convincingly bear out the theme, which is the position of Munro as the founder of the Liberal School of Indian Administration. That illustrious name has almost passed into a legend in the memory of the people of the Ceded Districts. His compassion, his marvellous understanding of the people and their civilisation, his magnanimous policy and his sleepless efforts to promote their welfare are still remembered in a land where the tradition of benign rulers is strong, and good and conscientious administrators have not been rare in modern days. Mr. Venkatasubba Sastri is right to contend that Munro was a great deal more than the founder of the ryotwari system. There is no doubt he revolted, if such a word may be used of a man of a gentle and loyal nature, against the system established by Lord Cornwallis. In so doing he was inspired by the younger Wellesley to some extent but much more by Col. Mark Wilks of Mysore and Col. Alexander Read of Madras. Mr. Sastri has not omitted to point out the great line of beneficent rulers who followed his brilliant example—Malcolm, Elphinstone, Metcalfe and Henry Lawrence, to name only a few. The argument is perhaps a little strained when our author traces the

famous Montagu declaration of August 1917 to Munro, and when he commits himself to the statement that Munro's influence on British Policy is not yet exhausted and that "something more remains for future consideration". Apart, however from these stray observations, not unnatural in a hero-worshipper, this little volume will be of abiding value to the student of a period when the foundations of a humane and noble theory of rule in the East were laid. The Directors of the East India Company gave Munro full freedom to prove the theory of which he was the principal exponent. One serious exception was his advocacy of a liberal programme of education for the Indian people; this received at first no more than a blessing from the authorities. Not till Sir Charles Wood wrote his famous Education Despatch of 1854 did Munro's wise words bear tangible fruit. Any expense on the education of the people, he had said, "will be amply repaid by the improvement of the country; for the general diffusion of knowledge is inseparably followed by more orderly habits, by increasing industry, by a taste for the comforts of life, by exertion to acquire them, and by the growing prosperity of the people." In one respect, perhaps in only one respect, Munro failed to catch a vision of the future. On the subject of the press he held the view that its freedom was incompatible with the maintenance of a foreign rule. Like his teacher, the Duke of Wellington, he feared that the loyalty of

the army would be in danger from the uncontrolled writings of the press. Significant as this point is, it scarcely detracts from the eminence of Munro. To have hailed the emergence of high principle when nothing was yet clear on the horizon of Indian governance, to have formulated the aim of British Policy as the ultimate good of the Indian people when that policy was still strongly coloured by mercantile standards, and to have secured recognition in the Charter Act of 1813 and indirectly in that of 1833 for many corner-stones in the edifice of empire—this is a title to imperishable fame.

By producing this monograph Mr. Sastri has placed that fame beyond all hazard.

V. S. SRINIVASA SASTRI.

ANNAMALAINAGAR.

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## **A Biography of Sir Thomas Munro.**

*(Copied from the Dictionary of National Biography)*

Munro, Sir Thomas (1761–1827), was the son of Alexander Munro, a Glasgow merchant trading with Virginia. He was born on 27 May 1761, and educated at the grammar school and at the University of Glasgow. . . He began the business of life in a mercantile firm at Glasgow, but, owing to family reverses, was compelled to accept an appointment in the mercantile marine service of the East India Company, which, however, he never joined, having been appointed at cade of infantry at Madras, where he arrived on 15 January 1780. A few months after his arrival in India the regiment to which he was attached formed part of the force sent against Hyder Ali, and he was present at all operations under Sir Hector Munro and under Sir Eyre Coote in 1780 and the three following years. . . He also in those early days formed very clear views on the political situation, recognising the paramount importance of subverting the powerful and dangerous government which Hyder had founded in Mysore. . . He was also an attentive observer of European affairs and of the French Revolution which he regarded as fraught with danger to the maintenance of British superiority. He strongly held the opinion that the territorial possessions of the East India Company must be extended if the Company was to continue to exist as a territorial power. After the peace with Tippoo in 1792 Munro was employed for some years under Captain Read in forming and conducting the civil administration of the Baramahal, one of the districts ceded by Tippoo. It

was there that he gained his first insight into civil duties, and especially into those connected with the land revenue, and it was there that he formed the opinions in favour of the system of landed tenures which, under the designation of the ryotwar system, has always been identified with his name . . . [After the fall of Seringapatam he was appointed as one of the secretaries to the Commission for the future administration of Mysore, Captain (Sir) John Malcolm being the other secretary.] While serving on this commission Munro was brought into close intercourse with the future Duke of Wellington . . . with whom he contracted a lasting friendship . . .

Munro's employment upon the commission at Seringapatam was followed by his appointment to the administrative charge of Canara . . . Owing to the unruly character of the inhabitants the duty was an arduous one, but in a very few months Munro, by his firm and wise rule, put down crime and rebellion, and substituted settled government for anarchy and disorder. He was then transferred to a still more important charge, *viz.*, that of the districts south of the Tungabhadra, comprising an area little short of twenty-seven thousand square miles, and including the present districts of Bellary, Cuddapah, and Karnul....[Anantapur also]. . . Munro spent seven years in the ceded districts. It was probably the most important period in his long official life. In the Baramahal his position had been a subordinate one. In Canara, where for the first time he was invested with an independent charge, his tenure of office had been too short to admit of his doing more than to suppress disorder, and to lay down principles of

administration which his successors could work out. In the ceded districts he remained long enough to guide and direct the development of the system which he introduced, and to habituate the people to the spectacle of a ruler who, with inflexible firmness in securing the just rights of the state and in maintaining law and order, combined a patient and benevolent attention to the well-being of all classes . . . It was while holding this charge that Munro thoroughly worked out the ryotwar system . . . throughout the greater part of the Madras presidency and also in Bombay. . . In introducing the ryotwar system Munro was cordially supported by the governor of Madras, Lord William Cavendish Bentinck, but encountered serious opposition from the authorities in Bengal and from some of the higher officials at Madras.

Munro left India in October 1807. . . He remained in England for upwards of six years, during which time he was so much consulted by the government and the court of directors on the various administrative questions which came under discussion in connection with the passing of the Company's Charter Act of 1813. The evidence given by him before the House of Commons produced a most favourable impression. It was mainly through his influence that the plan of applying the zemindari system of land tenure to the whole of India was finally abandoned, and that the ryotwar system was authorised for those districts in the Madras and Bombay presidencies which had not been already permanently settled, and his views on the judicial system and on the police were so highly approved that in 1814 he was sent back to Madras on a special commission for the purpose

of preparing on the spot a scheme for giving effect to them.

It was not, however, exclusively upon questions of internal administration that Munro's opinion was sought at this time by the home authorities. On the question of the Company's trade . . on the question of the demand in India for European manufactures, as to the probable extent of the import trade from India, as to the policy of withdrawing the restrictions then in force upon the admission into India of Europeans not in the service of the Company, and on the question of the military organisation best adapted for India—on all these questions Munro's opinion was sought, and was given in language so clear and straightforward as to compel the admiration even of those who on some points held different views. He evinced little sympathy with the outcry raised against the Company's monopoly, which in his opinion had been the source of many great national advantages, enabling it acquire the extensive dominions then under the British rule in India. His views on the organisation of the Indian army were very similar to those which have been acted on since the mutiny of 1857. .

Before returning to India Munro married Jane, daughter of Richard Campbell of Craige House, Ayrshire . . Accompanied by his wife he returned to Madras early in the autumn of 1814, and at once entered upon the duties of his commission. In 1816 a series of regulations was passed involving organic changes in the judicial and police departments of the administration. .

The work of framing these regulations had not been fully completed when the outbreak of the second

Mahratta war led to Munro's re-employment for a time in a military capacity . . . The campaign . . . at once established Munro's capacity as a military commander, and subsequently drew forth from Mr. Canning the panegyric that 'Europe had never produced a more accomplished statesman, nor India, so fertile in heroes, a more skilful soldier'.

On the termination of the war, Munro, whose eyesight had suffered from the work and exposure he had gone through, returned to England. But shortly after his arrival he was nominated to succeed Mr. Elliot as governor of Madras, and re-embarked for India in the latter part of 1819. He had previously been created a knight commander of the Bath. Munro's government, which lasted seven years, more than maintained the reputation which he had previously achieved. His thorough knowledge of Indian district administration, and his command of the native languages, were great advantages. He made frequent tours throughout the country, travelling by short stages, and making himself thoroughly accessible to the people. At the end of each tour he embodied the results of his observations in a minute, which formed the basis of the orders subsequently issued. With his colleagues in council he was always on the best of terms, treating them with invariable frankness; and while there never was an Indian government in which there was less friction between the governor and the council, it may be affirmed that there never was a government which was more essentially the government of the governor than the Madras government was while Munro presided over it. His minute on the tenure of land, on the assessment

of revenue, on the condition of the people, on the training of civil servants, on the advancement of the natives in the public service, on the military system, on the press, are state papers which are still often referred to as containing lucid expositions of the true principles of administration. He entertained very strong opinions in favour of the policy of more fully utilising native agency, and fitting the natives of India by education for situations of trust and emolument in the public service. But on this, as on all other subjects, his views were eminently practical. He was entirely opposed to any measures which might endanger British supremacy in India. He was altogether opposed to the establishment of a free press in that country, and was responsible for the famous dictum that 'the tenure with which we hold our power never has been and never can be the liberties of the people.' The first war with Burma occurred while Munro was governor of Madras, and, although the operations were carried on under the direct orders of the governor-general, Lord Amherst, the success of the war was much facilitated by the assistance rendered by Munro, who was created a baronet for his services in connection with it. Munro died of cholera on 6th July 1827, when making a farewell tour through the ceded districts on the eve of his retirement from the government.

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# INTRODUCTION

## I. MUNRO'S FIRST IDEAS

Sir Thomas Munro was born in Glasgow in 1761 and died in 1827. His equestrian statue on the Island in Madras shows a tall thin person with a broad forehead and a calm countenance<sup>1</sup>.

His first appointment as a revenue official (an Assistant Collector) was due to Cornwallis in 1792 in connection with his Lordship's arrangements for "a just and effectual system of revenue management"<sup>2</sup> of the present North and West Salem up to the Cauveri River (then known as Baramahal<sup>3</sup>) which the Company had acquired by the treaty of Seringapatam in that year. After seven years of toil in this district, Munro went to Kanara "to make the first settlement of it".<sup>4</sup> Before a year was over, he entered the modern Bellary, Anantapur, and Cuddapah districts as principal Collector, and remained there until the close of 1807 when he resigned the service and returned home.

Wherever he was, Munro's business was to 'settle' the form and principles of the Company's administration in the conquered or ceded territories. In Baramahal,

1. A Biography is given in the last section of the book.
2. The Baramahal Records, Section 1, Page 87, Letter 31st March 1793, para 13.
3. C. P. Brown explains 'Bara-mahal' in his Zilla Dictionary as follows:—"Vulgarly Barramaul. The 'Twelve counties'-name of a certain Zilla, now forming part of (Salem) Shellam'.
4. Letter to the Duke of Wellington, 17 August, 1797.

# VIII

for example, his settlement was the best as the following figures for 1797 would show :—

I. In the Southern division under Macleod the				
balance was Pags	...	...	745	0 0
In the Central division under Munro the				
balance was Pags	...	...	181	0 0
In the Northern division under Graham the				
balance was Pags	...	...	3,454	2 0
II.				
Division.	No. of villages.	No. of farmers	No. of defaulters (Individuals).	
Southern	1129	32·611	456	
Central	1383	23·506	24	
Northern	1664	8·621	222 (villages)	

Twenty years later, the Board of Revenue observed that “nowhere did the survey rates of assessment appear generally to have stood well except in the Baramahal or Centre division, where they were fixed by Colonel Munro, who seems, more than any of the others, to have modified the *teerwais* by the only certain criterion, the past actual collection.”<sup>1</sup>

In Kanara his work was so much appreciated by government that Munro was asked to prepare for the use of his successors in that province “whatever regulations I [Munro] had in view for the preservation and improvement of the resources in Canara.”<sup>2</sup> He outlined the following policy accordingly :—

1. Minute of the Board of Revenue, 5 February 1818, P. 158.
2. District Collections: Canara. Letters relating to the early administration of Canara 1866. PP. 65—70, letter 9 Dec., 1800, para 1.

1. "The Collector must be his own Peishcar ; he must be himself the headman. That he may be so, his cutcherry should be composed of two equal branches, the one Hindivi and the other Canari, or whatever is the general language of the country.....the Moonshees should be of your own selection and entirely unconnected with the Sheristadars....." <sup>1</sup>
2. "Much caution should be observed in imposing any new assessment on any land that pays the Beddenore rent and half of Hyder's addition and none should be laid on any land that pays the Beddenore and three-fourths of Hyder's assessment."<sup>2</sup> "Immediately, there should be a general reduction of 2½% on these lands".<sup>3</sup>
3. "The conversion of Sirkar into private land (in proprietary right) should not be hurried." <sup>4</sup>
4. "Every encouragement should be given to betel and pepper gardens." <sup>5</sup>

But the great interest of the records of Munro lies not in the policy which he advocated for the future administration of Kanara but in the crystallisation of the ideas which he had imbibed in Baramahal.

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1. Ibid para 2.
  2. Ibid para 3.
  3. Ibid para 8.
  4. Ibid para 6.
  5. Ibid para 5.

1. "I was.....averse to using force wherever a point could be accomplished by patient and fair means." <sup>1</sup>
2. "I considered myself merely as a Collector who was to investigate and report upon the state of the country, but who was to leave it to the Board to decide as to the expediency of lowering its assessment." <sup>2</sup>
3. "A moderate land rent carries in itself such an active principle of prosperity that it enables a country to resist for a long time all the evils attending bad government and also to recover quickly from the calamities of war." <sup>3</sup>
4. "A moderate land rent.....by holding out an easy and certain livelihood would bring back a great part of these Banditti who were originally labourers to the habits of industry." <sup>4</sup>
5. "Nothing can more strongly indicate the poverty of a country than when its lands, so far from being saleable, must be forced upon the cultivators." <sup>5</sup>
6. "It never was my idea, however, that my settlement should have been so permanent as to be exempted from all future change,

1. Board of Revenue Proceedings. 28 Aug. 1800. No. 854. para 3.

2. Ibid para 16.

4. Ibid para 32.

3. Ibid para 19.

5. Ibid para 21.

(but only that it would have been so far fixed as not to be liable to partial and frequent alterations, and that the right should have been reserved for government to avail itself of the increasing resources of the country, by adding to the Jumma a certain portion of the abatement at some after period, when it might appear that it could be effected without detriment to the country.)”<sup>1</sup>

7. “No guide is so sure as collection.”<sup>2</sup>
8. The government “demand is limited.”<sup>3</sup>
9. “Small estates may.....be considered as the arrangement of nature.”<sup>4</sup>
10. “All systems of Indian revenue must, I imagine, end in making a direct settlement with every independent land-holder.”<sup>5</sup>
11. “The rent of land never can be nicely adjusted so as to correspond always with a certain proportion of the produce.”<sup>6</sup>
12. “It may be found necessary hereafter to diminish in some instances one description and to

1. District Collections: Canara. Condition and Assessment of Canara PP. 41—64. Letter Nov. 1800, para 1.

2. Ibid para 3.

3. Ibid para 13.

4. Ibid para 18.

5. Ibid para 23.

6. Ibid Letter 9 Dec. 1800, para 5.

add to another, but the total [of Inams] ought not to be increased." <sup>1</sup>

Notwithstanding these clear-cut ideas, Munro's training must be considered to have been still incomplete. He had, so far, never been in independent charge of any district long enough to convert the administrative veterans to his own creed. That was to be in the Ceded Districts, which he practically ruled for seven years for the benefit of the government and its subjects.

William Thackeray<sup>2</sup> has, in his report of 1807, left a pen picture of the tragedy that had befallen this province before Munro arrived in it. "The Company's officers entered the Ceded Districts, in November 1800, and found everything in confusion. The inhabitants had been plundered not only by the Revenue Officers, but by every person who could pay a bribe for the privilege of extorting money. The chief inhabitants of the different villages had not only been permitted but encouraged to carry on a predatory warfare against each other on the same terms. The indolence or corruption of the Nizam's officers had made them abandon the management of the Revenue to Polligars, Zamindars and Potails, who had by their exactions impoverished, if not almost depopulated, the country by their hostilities. *Every village was a garrison.* One village often turned out and fought a pitched battle with its neighbour. The troops of the Sirkar were always besieging

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1. Ibid para 12.

2. A relation of the novelist. He was a distinguished Collector in Madras Presidency.

some fort or other ; the exactions of those armed with the authority of the Sirkar and the obstinacy of the village people made it difficult to say which were in the right. *Murders were so common* that in some part of the country there are few families of any consequence which have not had one of their heads assassinated within the last twenty or thirty years. In Adhoni there are few even of the most respectable leading people in the District, unpolluted with blood. The Potail or Kurnum acted like a little prince in his own village and the anarchy which generally prevailed might in some measure justify his taking upon himself the Government of his little republic ; but the impunity which a few hundred rupees secured for the most atrocious crimes tempted every man who could afford it to indulge his rapacity, enmity or ambition. In some part of the Ceded Districts, the Potail or the Head Rayet and the Kurnum, so peaceable in our other Provinces, had become captains of banditti garrisoning independent castles. In the Districts to the eastward things were worse, because the Polligars had generally resumed their former situations and depredations. The importance in short and corruption of the Sirkar Officers, the predatory habits and military turn of the peons who swarm, and who have learnt their trade by attending or resisting the great armies, which have so often invaded the Ceded Districts, the frequent transfers from one Government to another which weakened the Sirkar authority, the frontier situation which enabled offenders to escape had introduced such a state of anarchy that it appeared a most arduous task to restore order. I had an opportunity

of seeing the effect of these disorders when we took possession of the Ceded Districts.”<sup>1</sup>

Both peace and prosperity had to be restored besides establishing British authority beyond doubt. Munro's plan for peace was simple: to pension off the poligars individually on condition of steadfast loyalty or to expel them from the country;<sup>2</sup> to reorganise the military peons into a local militia to supplement the work of the regular army; and to revive the village police and permit its inhabitants to defend themselves against gang-robbers and Maratha raiders with arms. But the true foundation for peace was in his land settlement. He continued Inams on the ground that it was as “difficult for the Inamdar to verify his title as for the Sirkar to disprove it,”<sup>3</sup> and permitted the holding of service lands by village officials up to 10 per cent of their village revenue, with a view to facilitate the rapid creation of private property in land.<sup>4</sup> He did not resume any of the lands of religious and charitable

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1. Wm. Thackeray: Report on Malabar, Canara and the Ceded Districts, 4 August 1807. Also, Fort St. George Consultations (Revenue): 27 Oct. 1907. Board of Revenue Proceedings: 31 Aug. 1801. No. 884. Political papers of Sir Thomas Munro: Letter 18 March 1801 to Josiah Webbe.
  2. The Fifth Report, 1812.
  3. A Selection of Papers from the old Records of the Bellary District 1906. Chaplin's letter to the Board of Revenue. 24 April 1814. para 4.
  4. Idem. Munro's letter to the Board of Revenue. 23 June 1801. para 5.

institutions, but exercised control against misappropriation.<sup>1</sup> To the humbler folk, he provided bread and water by giving lands on a rayatwari settlement. Material prosperity was promoted by pursuing free trade principles and by encouraging immigration of foreigners.

Munro had always been interested in the controversy upon the comparative advantages of a permanent settlement by Zamindari and Rayatwari methods. Experience more than faith had been impressing upon him the supreme value of the latter for the government and its subjects. Now, in the Ceded Districts, he made a practical demonstration of the feasibility of a rayatwari settlement.<sup>2</sup> In one of his final reports on the settlement of the Ceded Districts to the Board of Revenue, he stated that the rayatwari "will yield as much revenue on an average of years as the Zamindari system and.....be more beneficial to the great body of the inhabitants,"<sup>3</sup> and summarised his instructions to assistant collectors as follows:—

1st. The settlement shall be Rayatwari.

2nd. The amount of the settlement will increase and decrease annually according to the extent of land in cultivation.

3rd. A reduction of 25 per cent on all land shall be made in the survey rate of assessment.

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1. Revenue Despatch of the Court of Directors, 30 Aug. 1809, para 169.

2. The minute of the Board of Revenue, 5 Feb. 1818, para 167.  
Also, Fort St. George Consultations (Revenue), 27 Oct. 1807.

3. Board of Revenue proceedings 4 Feb. 1808, No. 105 para 11.

- 4th. An additional reduction in the assessment of 8 per cent or 33 per cent in all shall be allowed on all lands watered by wells or by water raised by machinery from Rivers and Nullahs, provided the cultivators keep the wells or embankments (Dirroas) in repair at their own expence, a similar reduction shall be allowed on the lands watered by small tanks wherever the cultivators agree to bear the expence of repairs.
- 5th. Every Rayat shall be at liberty at the end of every year either to throw up a part of his land or to occupy more according to his circumstances, but whether he throw up or occupy, he shall not be permitted to select, but shall take or reject proportional share of the good and the bad together.
- 6th. Every Rayat as long as he pays the rent of his land shall be considered as the complete owner of the soil and shall be at liberty to let it to a tenant without any limitation as to rent and to sell it as he pleases.
- 7th. No remission shall be made on ordinary occasions for bad crops or other accidents. Should failures occur which cannot be made good from the property or land of the defaulters the village in which they happen shall be liable for them to the extent of 10 per cent additional on the rent of the remaining Rayats but no farther.

- 8th. All unoccupied land shall remain in the hands of government and the rent of whatever part of it may be hereafter cultivated be added to the public revenue.
- 9th. All taxes on houses, shops, and professions, all duties, licences, &c., shall belong exclusively to government. The Rayat on whose land houses or shops may be built shall not be entitled to receive a higher rent from them than the equivalent of the survey rent of the ground which they occupy.
- 10th. The repairs of all tanks which are not rendered private property by an extra remission or Duswundum Enam shall be made at the expence of government.
- 11th. Tackawi shall be gradually discontinued.
- 12th. Potails, Curnums, and all other village servants shall remain as heretofore under the Collector.
- 13th. Private creditors who may distrain the property of Rayats, shall discharge the rent which may be due from such Rayets to government, and shall give security for it before they begin the distraint.<sup>1</sup>

With these details, Munro stood firm.<sup>2</sup> After his return to England in 1808, Munro worked out this settlement system more fully.<sup>3</sup> The Select Committee

1. Ibid.

2. Arbuthnot: Selections from Munro, 1866 PP. 107—9.

3. Idem. PP. 178—86.

of the House of Commons before whom he gave evidence in detail in 1812 recommended a rayatwari settlement. The Court of Directors too lost no time in issuing a despatch ordering its introduction in every district which had not been already unalterably settled.<sup>1</sup> They made haste also to send Munro to Madras to execute 'the orders and instructions' accompanying that despatch<sup>2</sup>.

But a rayatwari settlement involved a thorough supervision by revenue officials, a recognition of the principle of famine relief by the state, and a right of adjudication of individual rights in property. Munro depended on the Collector for the first of these. He held that "the business of a Collector is not properly so much to labour through all the details of the Settlement as to make those do it who can do it best,"<sup>3</sup> and that in this task he was to be ably assisted by his sheristadars in whom "the fear of discovery will be perhaps their strongest motive to honesty".<sup>4</sup> For the determination of several private rights in land, Munro prescribed their registration in government books and, in case of dispute, their determination by local punchayats.

The Revenue and Judicial Despatches of the Court of Directors after 1813 contain many interesting details, and a few of them are the following :—

1. The Court's Despatch (Revenue) 16 Dec. 1812, para 33
2. *Idem* (Judicial), 4 May 1814. Also, Fort St. George Consultations (Judicial), 23 Sept. 1814, para 2.
3. Arbuthnot: *op. cit.* Page 599, para 7.
4. Board of Revenue Proceedings, 10 Aug. 1801, No. 795 para 1.

1. "After the fullest consideration that we have been able to give to the important subject to which we have now adverted, we are led to think that we could not better consult the interest both of the British Government in India, and of the people living under its protection than by resorting to an ancient usage of the natives in their village communities as well for the adjudication of small suits and differences as for the management of the Revenue and that by giving sanction of our authority to the administration of Potails or head-men assisted by the Panchayets to which the people have been accustomed, we should now provide efficaciously for the more speedy and equitable decision of questions of limited value, than we could hope to do by any regulations to be carried into effect through the tedious process of courts constituted on the principles of Zillah tribunals."<sup>1</sup>
2. "In all the provinces of Madras.....the principle of the Rayatwar system.....shall be acted upon....."<sup>2</sup>
3. "The village accountants should be placed under the direct authority and superintendence of the collectors of the Districts so as to be immediately responsible to them for the due discharge of their duty."<sup>3</sup>

1. The Court's Despatch (Revenue), 16 Dec. 1812, para 19.
2. Ibid para 33. Also Arbuthnot: op. cit. PP. 246—7.
3. The Court's Despatch (Judicial), 29 April 1814, para 71.

4. In April 1814, they wrote again that the government should revert "to the established practice under the Native Government of employing the heads of villages, and Panchayets assembled within them, in the administration of Justice,"<sup>1</sup> and "an intermediate Native Judicature (munsifs) between the village and the Zillah Court should, if possible, be established.
5. And for a vigorous administration of the police, the court should transfer "the superintendence and control of the police of the Zillahs to the Collectors of the Revenue with whom it formerly vested."<sup>2</sup> "The Agents of the Collector in the administration of the police will be the District Amildars or Tahsildars, and the village Potails, Curnums and Talliaris aided as occasion may require by the Amildar's peons and by the Cutwals and their peons in large towns."<sup>3</sup>

The settlement of the country equally called for the adoption of principles of free trade,<sup>4</sup> a sensible regulation of exchange and currency,<sup>5</sup> and a guarantee for the

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1. Ibid para 67.

2. Ibid para 88.

3. Ibid para 97. See also Arbuthnot op. cit. P. ciii.

4. Idem 24 Oct. 1803, No. 1111, paras 8—9.

5. Idem. 6 Aug. 1804 No. 387 paras 4—5. Also *Collectorate Reprints, Bellary*. (Bellary 1872), Selection No. IX paras 6—12.

security of private property. Though Munro would be loose about the governing principles of the first two of these, he was unrelenting against the enemies of private property' even if they were Europeans.

By 1816, Munro's outlook on administrative affairs became wide, liberal, and convincing. One can find evidence of this in his reports as a judicial commissioner.<sup>2</sup>

The following are a few specimens of his views :—

1. "All regulations should in the beginning conform as nearly as possible to the existing customs of the country and be changed progressively with those customs.....we are persuaded that through the agency of Munsiffs and Panchayets a greater mass of essential justice will be distributed to the people than could be done through any other means. But we ought not to regard these institutions merely in the narrow view of their utility in settling causes but their influence in improving the character of the people and attaching them to the government under which they live. Nothing surely can tend more strongly to raise men in their own estimation and to make them act up to it, than their being thought worthy of being entrusted with the distribution of justice to

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1. Arbuthnot Op. cit. pp. 464—7. See also Col. Wilk's letter to Sir Mark Cubbon. The letter dated 17th April 1808. See *infra* Longer Foot-Notes, P. 324.

2. Thomas Munro and George Stratton formed the Commission, and remained in office from 1816 till 1819.

their countrymen and no motive can be more powerful in attaching a body of men to a Government than the consciousness that they are not neglected by it, that confidence is placed in them and that though in a subordinate capacity they form a material part of its internal administration.”<sup>1</sup>

2. “In a well ordered community the inhabitants ought to be left at full liberty to pursue their several occupations under the protection of a Police Establishment maintained by the Government.”<sup>2</sup>
3. “While the Native Governments and the State of Society in India are such as they are now, no unarmed country surrounded by armed neighbours can enjoy any repose.”<sup>3</sup>
4. “The evil or good that any one village Munsif can do will be trifling, oppression will seldom be within the power of any one of them, and is sufficiently open to punishment. That good will be within the reach of them all, and that however little may be done by them individually, the aggregate will be great.”<sup>4</sup>

1. Madras Judicial Consultations: 19 Aug. 1815, Letter from Munro, para 32.
2. Ibid para 37. (Also Arbuthnot, op. cit. Page 301).
3. Ibid para 40.
4. Idem 17 May 1816, No. 15 Letter from Munro, para 60.

5. "It is bad principle to have no intermediate authority between the Tahsildar of the District or his officers and the Rayet."<sup>1</sup>
6. "If men be left to their own choice in the discharge of their duties they will of course always reject those which are troublesome and disagreeable. The principle sanctioned by the Government practice of [in?] India should be maintained that every village must find a head to discharge the duty of executing its public business in the manner which may be required by Government."<sup>2</sup>
7. "In every department whatever can be best done by Native servants should be entrusted to them. The business of the European officer would principally be to control and direct properly the labours of the Native under him."<sup>3</sup>
8. "The pay of the Native servants is so low that the disposal of a few would hardly make a perceptible difference in the general expense.....and injure the efficiency of the different departments from which they were taken..... The European is the expensive part of the Judicial Establishment and is the only one by whose modification the

1. Idem 24 Feb. 1817. Letter from Munro, para 24.

2. Ibid para 29.

3. Idem 8 Dec. 1818 Cons. No. 1. Para 27.

amount of the charges can be considerably diminished".<sup>1</sup>

Everybody in England interested in and anxiously watching the events in India was glad that Munro had been approaching Indian questions with a fresh mind. But the contrary was the case in India, where jealousy was rampant. Munro was placed in a difficult situation. It was easy to find persons in England to send him to India or to lend financial support to his schemes. But it was very difficult to secure local co-operation.<sup>2</sup> At one time he was only hoping 'to get the system introduced in any way'.<sup>3</sup> But his feeling was that it should be tried 'for a period of six or seven years as the only measure of showing fairly how far it is calculated to answer the ends for which it was established'.<sup>4</sup>

If we agree in the theory of a divine plan hidden in the lives of men it is easy to see that Munro's wish for a trial of his system for six or seven years was granted, and that he held the governorship of Madras for just that period<sup>5</sup> during which he introduced his system in that presidency and also succeeded in making governors of other provinces copy it.

1. Ibid Para 21.

2. *i.e.* within Madras Presidency.

3. Letter to Cumming, 20 June 1815.

4. Madras Judicial Consultations, 8 Dec. 1818, No. 1, para 31.

5. From June 1820 till July 1827.

## II. MUNRO'S SYSTEM.

The object of Munro's system was immediately 'good' government and ultimately self-government. "We should look upon India", he said, "not as a temporary possession, but as one which is to be maintained permanently, until the natives in some future age have abandoned most of their superstitions and prejudices, and become sufficiently enlightened to frame a regular Government for themselves, and to conduct and preserve it.....when we reflect how much the character of nations has always been influenced by that of governments....we shall see no reason to doubt that if we pursue steadily the proper measures, we shall in time so far improve the character of our Indian subjects as to enable them to govern and protect themselves."\*

But there were difficulties for the fulfilment of even the immediate purpose. It was easy to conceive but hard to execute. First, there was 'ignorance' on both sides. The English did not know the country or its people. The bulk of the latter were ignorant of letters and, worse still, had been bent down by centuries of foreign rule.<sup>4</sup> Secondly, the English lacked administrative experience. Few could tell exactly what should

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1. Munro's Address to the College of Fort St. George, June 1820.

2. Arbuthnot. *op. cit.* PP. 574-75.

3. It will be interesting to know how often and by how many the expression 'ignorance' was used in the last century. Everybody began 'In our present state of ignorance...'

4. See Munro's description of Indian character on Page xxxvii *infra*.

be done for instance either to repair the mischief of the monsoons or to prevent a famine. Thirdly, distances even within a district could be covered only in stages, and delays were inevitable. Lastly, the difference in levels of culture, wealth and morality between the north and the south or between the east and the west, for instance, even in the Madras Presidency argued strongly for separate rather than general principles of government.

Munro, unlike Cornwallis, took India as he found it, because he felt that "it is one of the primary obligations of a government like ours to suit its rules and forms of local administration to the condition of the people, to provide every establishment which it may require, and not to withhold anything which may be necessary to its efficiency for the sake of avoiding either labour or expence."<sup>1</sup>

He had other reasons for this policy. One was that it was a mistake that "we make laws for them [Indians], as though they were Englishmen, and are surprised that they should have no operation...we forget that one great first principle, the freedom of the people, from which they derive their influence, does not exist here."<sup>2</sup> A second one was that "we can never be qualified to govern men against whom we are prejudiced. If we entertain a prejudice at all, it ought rather to be in their favour than against them."<sup>3</sup> And still another was that "whatever is defective will be discovered and corrected by time and practice, and that the innate excellence of

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1. Arbuthnot. op. cit. Page 255.

2. Ibid. PP. 258-9.

3. Arbuthnot. op. cit. Page 502.

an institution will gradually carry it through every difficulty".<sup>1</sup>

He would therefore have no innovations nor any unnecessary change in the existing laws<sup>2</sup> or institutions<sup>3</sup>. If he would alter at all, it would be just to strengthen<sup>4</sup> or improve them.

He was unwilling to change even the form of administration. He continued to employ Indians liberally in public service. For this, he was attacked by his contemporaries. But his answer was clear and unequivocal. It was at once a defence and a warning. Even the worst Indian despot, he said, had employed the ablest of his subjects in his service, and "in this point, at least, we ought to be guided by the example of those governments."<sup>5</sup> Again, in a free country, he argued, the people are taxed by their own consent. Would not the Indian officials in a bureaucratic government constitute a sort of standing jury over its acts?<sup>6</sup> Finally, he asked whether it was not true that "in proportion as we exclude them from the higher offices and a share in the management of public affairs, we lessen their spirit in the concerns of the community and degrade their character."<sup>7</sup> He was anxious that the British Government should be above all suspicion, enjoy the people's confidence in its moderation,

1. Ibid, P. 324.

2. Ibid, P. 302.

3. Ibid, PP. 387-93.

4. Ibid, P. 392.

5. Ibid, P. 256, Also Appendix A, Selection 10 April 1806; Mill and Wilson's History of British India 1858, Vol. VII, P. 280.

6. See Sir Syed Ahmed Khan's comments on the Indian Mutiny: 'Causes of the Indian Revolt.' PP. 11-12.

7. Arbuthnot, op. cit. P. 570

and its power be founded in justice,' national honour and character.

He changed, however, the character and spirit of the Indian administration. By appointing respectable Europeans he infused integrity<sup>1</sup> into it. Otherwise, there would have been no beneficial result from the change of rulers. Besides this, "the preservation of our dominion in this country requires," he believed, "that all the higher offices, civil and military, should be filled with Europeans; but all offices that can be held by natives without danger to our power, might with advantage be left to them."<sup>2</sup> What he meant exactly by this is not clear; but the following statements throw light on it:—

(1) The Indians "are in general better accountants, more patient and laborious, more intimately acquainted with the state of the country and customs of the inhabitants, and are altogether more efficient men of business [than average Englishmen suppose.]"<sup>3</sup> <sup>4</sup>

(2) "We ought to look forward to a time when natives may be employed in almost every office, however high, and we ought to prepare them for higher duties from time to time, in proportion as experience may prove their being qualified to discharge them."<sup>5</sup>

(3) "We have a whole nation from which to make our choice of natives; but in order to make

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1. Ibid. P. 278.

2. Ibid. P. 568.

3. Ibid. P. 567.

4. Ibid.

5. Ibid. P. 565.

choice of Europeans we have only the small body of the Company's covenanted servants." <sup>1</sup>

- (4) "We had had instances of corruptions among Europeans, notwithstanding their liberal allowances, as a consequence, somewhat reduced,.....this corruption would.....greatly increase. If we are to have corruption, it is better that it should be among the natives than among ourselves, because the natives will throw the blame of the evil upon their countrymen: they will still retain their high opinion of our superior integrity, and our character which is one of the strongest supports of our power, will be maintained." <sup>2</sup>

The question would arise naturally, would there not be an abuse of power by Indians and a general maladministration for which the entire government would be blamed? That such a fear was justifiable is clear by "numerous instances of extensive embezzlements, repeated malversations, and fraudulent combinations on the part of the native servants in the administration of the various branches of the Revenue." <sup>3</sup> The Court of Directors regretted that "there are not many districts under the presidency of Fort St. George which have not, within these few years past, afforded the most

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1. Ibid. P. 567.

2. Ibid. P. 568. Lord Canning used a similar expression: 'No, I had rather submit to any obloquy than publish to the world what would so terribly disgrace my countrymen.'

3. The Court's Despatch (Revenue), 22 May 1818, para 88.

lamentable proofs of the prevalence of abuse, in this Revenue Department, of our native agency.”<sup>1</sup>

Munro’s remedy was not to get rid of the Indians<sup>2</sup> but to regulate their work by rules, by European supervision and “by the establishment of seminaries for their education, by increasing allowances of sheristadars, by conferring honorary distinctions and shrotriums on revenue servants of distinguished merit, by incorporating a pension fund for super-annuated servants with presents [?] for the families of servants deceased, and by allowing a certain commission to the native managers in the Salt and Sayer Departments on the amount of their collections.”<sup>2</sup>

But it is on European supervision that he laid most emphasis. The Collector of a district was the centre of Munro’s system, and on him its successful working depended. “We should form a very erroneous judgement of the important influence of the office of Collector, if we suppose that it was limited merely to revenue matters, instead of extending to everything affecting the welfare of the people. In India, whoever regulates the assessment of the land rent holds in his hand the mainspring of the peace of the country.”<sup>4</sup> His power within the district<sup>5</sup> was equal only to his responsibility. Munro’s dictum was that “there must be but one authority

1. Ibid.

2. Appendix A, Selection, 10 April 1806, paras, 58 & 59.

3. The Court’s Despatch (Revenue). 22nd May 1818, para 91.

4. Arbuthnot: op. cit. P. 515.

5. It may be remembered that he had chief magisterial and police powers also.

in a district; authority to be efficient must be single, and the Collector will best uphold his own by maintaining that of his Tahsildars."<sup>1</sup> To make the Collector efficient, he equalized his salary with that of a District Judge, enlarged his territorial jurisdiction, gave him European assistants for the detailed management of the subdivisions of his district, insisted on a good knowledge of the vernacular of the district, provided "greater facility in accumulating savings from salaries and in remitting these savings to England,"<sup>2</sup> and recommended a retiring pension to the civil servants who "completed twenty-five years' actual residence in India."<sup>3</sup> He relied thoroughly on the revenue experience of every civil servant, and framed regulations to that end.<sup>4</sup> He would not detract from the prestige due to the Collector by any means. Because, "in this country when so much of our influence depends upon the high characters of our civil servants, it is most important, I think, that everything should be avoided which can tend them to disgrace or contempt in the eyes of the Natives, and that however just their punishment may be, it is highly expedient that it should not be permitted to produce this consequence."<sup>5</sup> At the same time, he expected the Collector to maintain his status by personal character, tact, patience, sympathy, accessibility to every inhabitant,

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1. Revenue Minute of Munro, 9th Jan. 1821, last para.

2. The Public Sundries (Madras Records), Minutes of Munro: Minute, 15th, Feb. 1825.

3. Ibid.

4. Arbuthnot: op. cit. PP. 501-10.

5. A Judicial Minute of Munro, No date. Recorded between October 1820 and January 1821. Fifth para from the last.

and circumspection. For a long time, he thought, "that it would be desirable to have some rules for the guidance of the officers of government in their intercourse with the Natives of India;" but this was "rendered unnecessary by Sir John Malcolm's Instructions to his Assistants and officers acting under their orders, in which he states so fully and clearly everything that can be wanted for this object in view that I think that no better course can be followed than to adopt them as far as they are applicable to the general nature of our administration."<sup>2</sup>

These were measures calculated to make the Collector a source of good to his people. But so much power in the hands of an unscrupulous, an over-zealous, an insubordinate or an inexperienced Collector would be dangerous. The government was obliged therefore in its own and general interests to prevent such abuse of authority. The Board of Revenue being the immediate authority above the Collector was vested with power to interfere in extraordinary cases<sup>3</sup> in the collector's work, and its members were expected to go on circuit occasionally with their Indian staff<sup>4</sup>. The government reserved to itself the entire power of appointing and dismissing Collector's servants and selecting Collectors, against which there could be no appeal.<sup>5</sup> It had also the immediate control of Magistrates<sup>6</sup>. The Governor had been enjoined so early as 1807 by the

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1. Revenue Minute of Munro, 15th March 1825.

2. Ibid.

3. Arbuthnot: op. cit. P. 210.

4. Ibid, P. 133.

5. Ibid, P. 528.

6. „ P. 320.

Court of directors "to occasionally visit the out-stations and Districts.....in order to obtain by personal communication with the public affairs on the spot, all the circumstances peculiar to each district." Munro added that a Governor's visit would at least show the people that the government took an interest in their welfare.<sup>2</sup>

A Governor, unlike any other official, is a very responsible person. The home government looks usually to him for the success of administration within the territory entrusted to his care, and lets him have a large measure of freedom. Occasions do arise when the home government, having regard to the especial character and personality of the Governor, allows him in practice a large measure of liberty.<sup>3</sup> Munro belonged to the latter type of Governors, and exercised his power entirely for the good of the people.

Seen in dry light Munro was an artist and his picture of India, complete in outline and rich in detail and colour, is available in his minute of the 31st December 1824.<sup>4</sup> It is unfair to him and to history to dispose of Munro as the founder of the rayatwar settlement. He was an all-round man, and thought out as much for India as for England like a true Englishman. Settlement, justice, education and employment were his

1. Ibid, P. 532.      2. Ibid, P. 184.

3. See Sir T. Munro. D.N.B. para 7.

4. Published only in parts by Arbuthnot. In the Company's Selections, published in 1826, this minute is found on page 602 of Vol. III, all in one place. In C. P. Brown's 'Three Treatises on Mirasi Right,' published in 1852, the whole minute was re-produced. (PP. 121-155)

favourite study, but questions of political power also, like the control of the press, the distribution and discipline of the standing army, the relation with the Indian Princes and the admission of Europeans into Indian citizenship received his careful attention.

Alexander Read had taught, and historical research has confirmed, that 'in this country the sovereign being the proprietor of a part is supposed to be the sole proprietor of all the lands.'<sup>1</sup> Munro's land revenue policy was based accordingly on this principle. His minor belief was that the name of the landlord belonged only to the rayat. "He divides with the government all the rights of the land. Whatever is not reserved by government belongs to him. He is not a tenant at will or for a term of years. He is not removable, because another offers more. The case, it is true, sometimes happens, but it is always regarded as one of injustice."<sup>2</sup> These led him logically to prefer a 'rayat-war' to every other form settlement.

When an analysis of Settlement on these two principles is made, some interesting facts come to notice. Wherever the rayat was concerned, the state emphasised his rights more than its own, while in a Zamindari area it reversed the stress. The government reserved its right to assessment of inams and to watch over the relation between the landlord and his tenant through the Collectors. In a mirasi land, the waste belonged

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1. His General Report to the Board of Revenue, 4th April 1800, para 269, in the Board of Revenue Records, XIV Miscellaneous Volumes, Serial No. 138, of the Madras Records.
  2. Arbuthnot: op. cit. PP. 255 and 243.

definitely to the state,<sup>1</sup> in a poligar district the government could settle with the patels, and in inams the state could resume the land at will. In the case of rayatwari areas, there was a nervousness in the assertion of state's privileges. The rayat had only to submit to periodical survey and settlement by state officials, to disposal of the waste land at the will of Government, to the sale of his land for persistent arrears, and to resumption of recklessly alienated lands.<sup>2</sup> But it could not claim any portion of the produce due to rayat's own hard work or improvement. He could not be forced to hold land under lease, by a mirasdar or a mootadar. He was entitled to relief or remission or both in times of scarcity. The state undertook all tank repairs at its own cost unless specified otherwise.

The freedom with which Munro carried on the settlement on these lines is reflected in the attitude of the Court of Directors. They said that it was acceptable on the ground "not that it is preferable to any other, when judged according to the generally received principles of political economy, nor even that it has been continued, because we found it established, but we consider it to be utterly impracticable to raise the same sum in a less exceptionable way."<sup>3</sup>

Not less earnest was Munro about the popular administration of Justice. Cornwallis had denied the fitness of Indians to either maintain law and order or dispense justice equitably to the parties. Munro refused

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1. A Treatise on Mirasi right, C. P. Brown, 1856.

2. See Appendix E.

3. Arbuthnot, op. cit. P. 565

to believe this. Law and order had been maintained in the past, and equally was the indigenous method of doing justice to the aggrieved man satisfactory. He therefore pleaded strongly for the revival of local institutions, such as the village police and panchayat, under proper supervision (if necessary European). He started his career by upholding the wisdom of appointing Indians as Judges, at least in Civil Courts, and stuck to it till the last. In April 1827, a few days before his death, he recorded his conviction that 'the public benefit which has resulted from their employment ought of itself to be a sufficient motive for our availing ourselves of the services of natives in a higher judicial station, than that of a district munsiff<sup>1</sup>. He even recommended the trial of criminal cases with jury<sup>2</sup>. Separation of powers, appeals against decisions of lower courts, legal practitioning, and stamp fees were considered, under the circumstances in which the people were placed, yet too good for them. It was however inherent in the character of the British administration that they should be imbibed in the course of time<sup>3</sup>.

In fact, Education of Indians in public schools, with a view to gradually widening their outlook and deepening their knowledge, was a delight to Munro. It was a 'conquest of mind' in Malcolm's phrase, but it would make the people more respectable in their own eyes and responsible in the long run. Although, as a

1. Court's Despatch (Revenue) 12th April 1815, para 79.

2. Ibid P. 322

3. See Appendix E.

disciple of Adam Smith, Munro would not consent to a system of state-controlled education, he was ready to start training institutions for teachers and help in the establishment of educational societies. But even this limited work was prevented from being fully accomplished by the Court of Directors, whose attitude on the question of education was, to say the least, hopelessly dilatory. While paying a high compliment to Munro for his educational inquiry, they added that "it was proper to caution the Collectors against exciting any fears in the people that their freedom of choice in matters of education would be interfered with. But it would be equally wrong to do anything to fortify them in the absurd opinion that their own rude institutions of education are so perfect as not to admit of improvement."

One can see the temper of the rulers in this remark. But Munro was not affected by it. He went to the length of suggesting the Employment of Indians in high offices, on the ground that 'they are simple, harmless, honest, and have as much truth in them as any men in the world,' and 'if we pay the same price for integrity, we shall find it as readily amongst natives as Europeans.' Evidently the Directors then turned a deaf ear to his words, but a few years later<sup>2</sup> they decided to make a solemn promise to appoint Indians freely in public service.

In the art of political management, Munro was equally a master. One of his deep convictions was

1. The Court's Despatch (Revenue) 18th May 1825, para 20.

2. In 1832 and 1833.

that the Press should not be free.<sup>1</sup> Because (1) "Free Press and the dominion of strangers are things which are quite incompatible, and which cannot long exist together." (2) "The tenure with which we hold our power, never has been and never can be the liberties of the people." (3) "There is no public in India to be guided or instructed by a free press." (4) "The danger would come upon us from our native army, not from the people." (5) "The change in the character and opinions of the people might be met by suitable changes in the form of government," and "a greater share in the civil administration of the country." (6) The army will not wait for the slow operation of the instruction of the people and the growth of liberty among them, but will hasten to execute their own measures for the overthrow of the government and the recovery of their national independence.<sup>2</sup>

In Munro's system, the Army had its place, but subordinate to the civil authority.<sup>3</sup> Whether it was in a district like Bellary of which he was a Collector<sup>4</sup> or in a presidency which he governed<sup>5</sup>, the military could act only in conformity with the local officials' wishes. The

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1. See also Cambridge History of India Vol. VI. Chapter XXX. P. 548.
  2. Minute on the Danger of a Free Press in India, in Arbuthnot. op. cit. PP. 538-45.
  3. Read Wellington's views in Appendix C. (See also foot note No. 2, on the next page)
  4. Political papers of Munro (Madras Records) letter 1 Nov. 1800 para 7
  5. Arbuthnot : op. cit. PP. 304-305, and 407

principal reason was that the duty of preserving the peace of the country, being committed to magistrates, could not be at the same time assigned to the regiments. Besides, the operations of the courts and a strong government had been changing the appearance of the country and the character of the people, which a sense of the existence of a standing army had been helping to consolidate. No useful purpose would therefore be served by putting the military power in the forefront<sup>2</sup>.

Against this idea and treatment the high officers of the army at Madras, including the Commander-in-Chief<sup>3</sup>, had objections, regardless of the mischief they were doing in the general system of India<sup>4</sup>. But Munro was firm and supported by home authority.

But the real military problem according to Munro was the fidelity of the sepoy<sup>5</sup>. He was anxious about it because 'the foreign dominion' of the British in India depended on the attachment of the 'native army'. His own measures for this object were "to show no distrust but confidence at all times, to treat them well, to keep them occupied, to relieve the different stations regularly,

1. Ibid. P. 320

2. Sir Henry Lawrence, however, wrote that 'Wellington's Maxim of "helping the troops out of sight," answered for England; it will *not* answer for India. There must be *thirsty* bayonets, within sight of the *understandings*, if not of the *eyes*, of Indian subjects, before they will pay willing obedience, or any reverence.' (His Essays, PP. 482-83)

3. Arbuthnot, op. cit. P. 405.

4. Arbuthnot, op. cit. P. 283:—See *infra* Larger Foot-Notes Pages 324-28.

5. Ibid, P. 544.

to bring all the corps at certain fixed periods back to their native districts, and to take care that none of them be permitted to remain too long in any place where they are likely to be tampered with by any native chief". He suggested also that sepoys' fidelity should not be put on a trial in the event of an outbreak of a riot by their own countrymen by compelling them to act in opposition to their prejudices<sup>2</sup> and that they should not be contaminated by the expressions of an unlicensed press, and that in an exceptional case the services of a sepoy should be rewarded by the grant of a jaghir,<sup>3</sup> which, though a Mughal institution, was full of happy effects on the attitude of the army to government.

In 1824, the Commander-in-Chief proposed an increase of allowance to the wives of soldiers and a grant of an allowance to the half-caste wives. To both of these Munro was opposed on principle. Because he believed that "the coming out of European women to this country should be restricted as much as possible for the climate and the way of living are unfavourable to every decent woman who is the wife of a soldier<sup>4</sup> and that Eurasians "are at present, as far as regards the means of living, in better circumstances than the people of England...and there is no cause why they should not from their own exertions become a thriving people."<sup>5</sup>

1. Ibid, P. 412.

2. Ibid P. 289. Notice the effect of the French Revolution on Munro.

3. Ibid P. 334

4. Public Sundries (Madras Records) 24th Nov. 1824, para 14.

5. Ibid para 15, also Arbuthnot. op. cit. P. 560.

The picture of Munro's system would be incomplete without a reference to his conception of the relations of the British Government with the Indian Princes who were in alliance with it by treaty. Munro would have either responsible princes or none at all.

He had three serious objections to the subsidiary system. Firstly, "if the British Government is not favourable to the improvement of the Indian character, that of its control through a subsidiary force is still less so". Secondly, its inevitable tendency is "to bring every native state into which it is introduced sooner or later under the exclusive dominion of the British Government". Thirdly, its success depended very much on the wisdom of the Residents (the Company's political agents)<sup>3</sup>. No instruction to exercise 'our superintending influence...with caution, delicacy and moderation'<sup>4</sup> will quite do.

There was one other important question on which Munro held definite views. That is in regard to the settling of Europeans in India. "If newly arrived Europeans were permitted to enter the interior of the country, they would be likely to commit acts of violence against the civil and religious privileges of the natives, often from ignorance, and sometimes from a contempt of such prejudices; I think that such conduct on the part of the newly arrived Europeans might occasion distur-

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1. Munro to Hastings 12th Aug. 1817.

2. *Idem*.

3. Arbuthnot *op. cit.* P. 352.

4.        "        "        P. 346.

bances that would eventually be dangerous to the Government of the country. They would produce that sort of discontent which might remain at rest till an enemy entered the country, when the minds of the inhabitants, by such conduct, would be prepared to favour the views of any invader." Again, "I think that private traders going into the interior, whatever their habits might be, would be likely to commit excesses, for I scarcely ever knew an instance of any European trader coming into the interior without being involved in some dispute with the natives." Again, "I am of opinion, that all those facilities, that is, to improving the quality of cotton, which would be the consequence of admitting the Europeans into the interior of India, might be given as the trade now stands, by granting such persons 'licences' to proceed to the interior and settle in the situation they best like."

### III. THE SPREAD OF MUNRO'S SYSTEM IN INDIA

Munro's ideas were not confined to himself; they were copied by his friends like Malcolm and Elphinstone and still later by persons like Metcalfe<sup>1</sup> and Henry Lawrence.<sup>2</sup> An analysis of the first settlements in Bombay, Central India, the United Provinces, and the Punjab, as well as a careful survey of the general policy of the central and supreme government of India,<sup>3</sup> will show how far the British administrators in India, were indebted to Munro and how much he is inspiring them still.<sup>4</sup>

It is true that Munro learnt much at the feet of Colonel Alexander Read.<sup>5</sup> The principles of rayatwar settlement,<sup>6</sup> justice by panchayat,<sup>7</sup> toleration of custom, and religious neutrality<sup>8</sup> were learnt by Munro when he was an assistant to Read. But he did not know their practical application to life. This was possible only

1. Selections from the Papers of Lord Metcalfe. J. W. Kaye. 1855 Parts I and II.
2. See Essays by Sir Henry Lawrence: Page 220, for a reference to Elphinstone's influence on Hardinge.
3. See Appendix E.
4. See Rise and Fulfilment of the British Rule in India. E. Thompson and G. T. Garratt, 1934, Appendix B.
5. See Appendix A. Also, Cambridge History of India. Vol. V. Chapter XXVII.
6. Read's Reports, 10th Aug. 1799, and 4th April 1800.
7. Court of Directors Despatch (Judicial) 29th April 1814, para 50 (Appendix B)
8. Baramahal Records. Section V. Property. P. 81. No. XLV.

later on when he became a Collector, a Commissioner, and a Governor in turn.

It is also true that Munro owed a good deal to the Duke of Wellington and Colonel Mark Wilks, with whom he was very intimate. The Duke was, paradoxically, a great civilian<sup>1</sup> and knew perhaps the art of Indian Government as well as he knew the business of a military campaign. He wrote many interesting things in his despatches and private letters, and his maxims were well known in his time: "Let the prosperity of the country be your great object; protect the ryots and traders, and allow no man whether invested with authority or not, to oppress them with impunity. Do justice to every man"; "without distinction of religion every man ought to be called upon to do service to the state, wherever he is particularly qualified to do that service", and so on.<sup>2</sup> Colonel Wilks was a scholar-statesman for whom every one of his contemporaries even at Calcutta had a regard and not a little of Munro's skill in the management of the Ceded Districts was due to the example of the Colonel in Mysore.<sup>3</sup>

But these were the only great men to whom Munro was obliged for his first ideas and general inspiration. Of course there was something in the British character of this time (1783-1815) which made for sympathy to subject races. Burke also had done a great deal to make the British rule in India purer and more earnest.

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1. The History of British Civilization, Wingfield-Stratford, 1928, Vol. II, PP. 853-4.

2. See Appendix C.

3. See *infra* Longer Foot-Notes Page 325.

Neither of these big causes could, however, account for a most suitable scheme of popular, progressive and more or less permanent Government of India, which Munro prepared during his long career. It is to himself—his experience, patient historical research, genuine sympathy and intelligence that he owed the full and complete development of the ideas.

Malcolm and Elphinstone imitated Munro, and did in Central India and Bombay exactly what Munro had done and was still doing in Madras. The differences between Munro and Malcolm or Elphinstone were indifferent while their agreement was solid'.

Even Colonel Jenkins who said that he copied the 'Mysore system' for Nagpur had really gone further than that and imitated Munro. A close study of his and Munro's systems will bear out this suggestion, if the limitations in which Jenkins worked are borne in mind.

If these were the only tributes to Munro, his system would be nothing so important as to deserve much notice. There were many additional (and indirect) ones, a few of them from very high officials of government like Hastings, Bentinck, Hardinge and Dalhousie and Ripon<sup>1</sup>. It is also worthy of note that great civil servants like

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1. See 'Opinions of the Hon. Mount Stuart Elphinstone, examined and compared with those of Sir Thomas Munro and Sir John Malcolm'. 1831. Also, Cambridge History of India, Vol. V, P. 582, and Vol. VI PP. 71, 159, 513 and 548.

2. See (a) the correspondence of *Hastings* with Munro and Elphinstone, in their respective biographies.

(b) See *infra* Longer Foot-Note Pages 325-26.

Metcalf, and great officers like Henry Lawrence<sup>1</sup> acknowledged the influence of Munro on their public policy and conduct.

Perhaps the greatest homage of all was done by the English Parliament. Every charter act from 1813 and every declaration of high policy in India from 1858 has contained one or other principle of Munro. The process of incorporation<sup>2</sup> has of course been slow. The fashion was set by the committees of 1813 and 1833: the latter, especially, laid down, 'as an indisputable principle that the interests of the native subjects are to be consulted in preference to those of Europeans, whenever the two come in competition; and suggested the recognition of Indian law and the employment of Indians in all branches of the Company's service.' In a few instances, Parliament was forced by circumstances to press the pace, but usually time was the sole factor.

It will now be clear that Munro's system, mostly his own, besides being blessed by his seniors in service, has been warmly applauded and heartily welcomed by all liberal administrators both of his time and after. The system persists in its demand for complete adoption, because the government of India is still full of contradictions. The most conspicuous of these was lately

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1. Edwardes and Meriavale, *op. cit.* P. 259:

Sir Henry Lawrence's opinion of Munro: 'I have always looked upon Munro and Metcalfe as our best'

Other 'household' names were Russell, Chaplin, Cubbon, Tod, Sleeman, Thompson, Bird, Walker (See Cambridge History of India. Vol. 7 P. 571).

2. See Appendix E.

described by a Cambridge scholar as follows: 'Invaluable work was done (by the bureaucracy under the crown) in the way of irrigation, of famine relief, of education of a sort, and of even-handed justice, though the drain on India's resources continued, and the interests of Lancashire made the Home Government set its face with utmost sternness against the slightest protection of Indian against British industries, and thus helped to create the very poverty against which its agents strove.'<sup>1</sup>

It may be equally clear from the list of high officials that almost all conquered and ceded territories (except Bengal) were settled more or less in accordance with the teachings of Munro, and that to a certain extent the general policy of the Government of India was defined and shaped by home authorities according to his major principles. Munro's system was essentially a provincial one. It built the structure of government from below and laid the foundation deep in the soil. But its success depended on a co-ordinating authority at the centre.<sup>2</sup>

The major qualities of Munro's system were the freedom of the Governor (and the district collector), the freedom of the Prince and the Peasant to enjoy their legal rights, and the moral right of the people to a civilised and progressive government.

The Company and the Crown do not appear to have objected to these. On the contrary, the adoption and perpetuation of them by these great bodies and personages suggest that they were only too glad to have them.

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1. Wingfield-Stratford, op, cit. p. 1234.

2. Can this be a Federation? Munro should have been familiar with the case of the U. S. A.

The progress in the growth of a Governor's freedom can be measured by comparing Bengal under Cornwallis with the Punjab under the Lawrences.<sup>1</sup> The latter was a triumph of personal government (with a military touch which Dalhousie deplored). The northerly flow of the current of this freedom, from Madras through Bombay and the United Provinces to the Punjab under Munro, Elphinstone, Thompson and Henry Lawrence is interesting.

The liberty of the Prince was not readily conceded. The Company almost denied it literally by expounding a feudal theory of over lordship over the princes, which had no sanction whatever in Hindu political theory and practice. The Crown too was jealous, but its attitude to the princes was on the side of law far superior to that of the Company, though too exacting.<sup>2</sup> The world war 1914-18, like the Sepoy Mutiny of 1857, partially relieved the princes of their anxiety, and the field was yielded by the paramount power tentatively for further study by the princes themselves.<sup>3</sup>

The attitude towards the Peasant has been perhaps the best of all. His rights are sacred, and his prosperity is a matter for conscientious study. Munro's rayatwar settlement, properly understood, was just to the cultivator. In one sense it was a negative settlement, because it denied Cornwallis's assumptions, at least in their

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1. See also governor's power under the Government of India Act, 1935.

2. See Cambridge History of India Vol. VI. Chapter XXVII.

3. In the Chamber of Princes or in Conferences of periodical nature,

application to conditions in South India. But it was also positive, because it proved that even in a Zemindari area the rayat had his rights and that the government was only fair to him in recognising his status and privileges. Historically every Zemindar is in origin a middleman for collecting revenue and settlement has ever been really made with the owner or cultivator of land. It will be noted that the settlements in North India are to-day more or less non-rayatwari, but adequate provision has been made for the rights of rayats. But for Munro's fight it is not certain that this would have been done. At the same moment the settlement was calculated to bring to every rayat a certain amount of prosperity, to make him more respectable by less indebtedness, and to make a man of him, in a way not practicable in a Zemindari settlement. If the rayat had any difficulty or disaster, aid was given freely and quickly, either by reducing or excusing his obligations to the state, or by loan or free gift of money, seed or impliment. Judicial processes were modified to suit his well-being and the executive service was carried to his door. Irrigation, transport and marketing facilities were added to the duties of administration in the interests of the rayat. But, sad to suggest, the rayat has continued to be poor. One school of thought traces this poverty to the settlement<sup>1</sup>, another to the foreign

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1. See Modern India. Campbell. 1853, Indian Land Revenue Policy, 1902 (Govt. of India), and the Proceedings of Legislative Assemblies and Councils in Madras, Bombay and the U. P. in recent times. Also, the Ryotwari Landholders in Madras, R. S. Vaidyanatha Ayyar 1933.

trade,<sup>1</sup> and a third to political conditions.<sup>2</sup> In any case, the attitude of government to the peasant in this single respect is not in accordance with the prescription of the Munro school. A scheme of 'rural reconstruction' on his lines, according to which life in every village ought to be corporate and republican,<sup>3</sup> if it should be full and free, is perhaps inevitable.

Elphinstone said in 1832 that 'light assessment, clear laws, education and employment'<sup>4</sup> were the corner-stones of British administration in India. It is the best definition of good government, according to Munro or any one of his school in recent times. The century that has elapsed since Elphinstone's date is a period of striving after that ideal. Taxation of industry and commerce is controversial anywhere, and in India the lightness of taxation has been perhaps the most debated subject. Taxes are fewer and simpler on the whole, but economists differ about the lightness of taxation. Laws are not only clear but excellent in their administration. Education on western lines has been increasingly given by government or voluntary agencies, and, better still, it is suited to every section of the population and to every interest in the state. It is as wide and deep as funds and social custom permit. Employment of Indians in very high offices, which has been comparatively slow,

1. Poverty of India. Dadabhai Naoroji. See also the Proceedings of the Indian National Congress and Indian Economic Conference, from year to year.
2. Modern India. Ed. Sir John Cumming, 1931. P. 258.
3. The movement for the revival of Panchayats is significant.
4. His evidence before the House of Lords, 1832.

has begun. The Indian states system is clearer. Foreign policy is regulated from the offices in London, and foreign wars are rare. Internal peace has been secured by better communications, by the control of the press<sup>1</sup>, the army<sup>2</sup> and the European settlements.<sup>3</sup>

But this great progress is due as much to Indian as to English demand, the latter usually inviting attention to the topics of power and the former uniformly appealing for internal reforms. The introduction of English education may be officially credited to Bentinck and Macaulay, but historical research traces the first demand to Raja Rama Mohan Roy<sup>4</sup>, in whose life-time modern learning commenced in India. The financial system of India is no doubt the work of European members of the government of India but the fiscal system as it exists to-day bears in great measure the impress of the Indian intellect.<sup>5</sup> The selection of Indians has been

1. Indian Speeches Viscount Morely, No. IV. Indian Civil Service. Compare this with the opinion of the Rt. Hon'ble V. S. Srinivasa Sastri in his Kamala Lectures on the rights and duties of the Indian Citizen 1927.
2. The Report of the Simon Commission, Vol. II—Recommendations, paras 201—7.
3. The Awakening of Asia—H. M. Hyndman 1919 pp. 212-3.
4. See Appendix D. The Rajah's letter led eventually to Macaulay's minute. The Raja went to England, visited great men, and gave evidence before the Board of Control.
5. Almost all leaders in the forty years between 1870 and 1910 were economists *e.g.* Naoroji, Wacha, Mehta, Ranade, Gokhale.

made lately to responsible posts, but it is due to organised demand of the people in Congresses, Conferences, and Service Commissions.

It is not a reflection on Munro's system that progress should be made in this demand-and-supply manner. On the contrary the method is a praiseworthy one, because 'salvation, however strongly the obstacles to it may be broken down by help from without, must be worked out from within or not at all.'

As a matter of fact, the complaint lies against unautomatic operation of demand and supply. It was implicit in the new education of Indians that they should have a fresh outlook on life and demand reforms. But it was the government that closed its ears and refused to listen to the demand. For instance, it was admitted even by Munro that the first settlements of land revenue should nowhere be final until correct and scientific data had been collected. He feared that, without such modification in the light of truth, the settlement would not be 'moderate' (his favourite expression). But his words were not heeded, and the first settlement, in the rayatwari area (at least in Madras and Bombay), has continued, if not increased<sup>2</sup>. Again, he built his administrative edifice on the village panchayats or 'ancient republics.' But his successors while paying a lip sympathy destroyed

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1. Wingfield-Stratford, op. cit. P. 963.

2. The fall in prices in recent times and its effect on the land revenue policy of India have been briefly noticed by W. H. Moreland in Chapter X in *Modern India*, edited by Sir John Cumming, 1931.

the republics altogether. Consequently, the government has come in for a large share of criticism, not the least of which is by Munro the dead man. Max-Muller said that 'if there had been a more free and friendly intercourse between the rulers and the ruled, between officers and soldiers in India, an intercourse such as can only be kept up by the electric current of a common language, there would have been no Indian Mutiny.'

Munro's system cannot be taken in parts. It is one whole piece which the British have to accept or reject in block. It is irresistibly logical in its operation. Progress under it may be delayed, but it cannot be at all prevented.

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#### IV. THE IMPORTANCE OF THE MUNRO SYSTEM

This system appears to be the sole consistent form of right statesmanship<sup>1</sup> in India. Not only was the first settlement of every province practicable under it, but also the evolution of a loyal, contented, and progressive India under the British rule—a plan which was as courageous<sup>2</sup> as it was generous—was guaranteed by it.

Cornwallis's scheme was a thorough failure, because he began at the wrong end and tried to build from above. He started also codification, and paralysed the administration thereby.<sup>3</sup> Munro and men of his school of thought knew how difficult it was to extricate themselves from Cornwallis's 'codes'. Above all, any plan of imperialism without the spirit of commonwealth was bound to lead to disappointment on the Indian side. What is the value of an empire to England, if she loses her soul on its account?<sup>4</sup>

1. Munro's Regulations of 1816 were considered as "a monument of high statesmanship and his deep sympathy for the people of India" R. C. Dutt, *op. cit.* P. 43. And so was his minute of 31st Dec., 1824.
2. Just in the time of Munro, the English were still 'not in India'. See Appendix B. Munro's Minute, 10 April 1806, para 58.
3. Malcolm described this system as a despotism of law imperative alike upon the governors and the governed and, though just, cold and rigid. Savigny said that to codify was to paralyse.
4. See *infra* Longer Foot-Notes, Page 326.

Munro's system succeeded, on the other hand, on account of its popularity and feasibility. It was a reign of affection instead of law. The initial ignorance of the British about India and its people, a certain callousness on the part of contemporary Indians, and the existence of a hundred and more ill-balanced states called for 'the John Trot' mode' of marching according to which one followed the beaten track and yet did some pioneer work. 'Settlement' and 'Education' (the one liberal and the other conservative, in their effects) were very naturally the watchwords of the early administrators<sup>2</sup> everywhere. But Munro added 'clear laws' and 'employment', which his friends and followers continued. These two gifts blessed him that gave and him that recieved. 'Clear laws' were meant to be only clear by definiteness and impartiality, and not by being new or strange. The people were obviously thankful to government for making them so. The 'employment' of educated Indians attached them strongly to the British rule and also helped to bring information about the temper and condition of the inhabitants to the government. The association of Indians with Englishmen of character purified public life and service. Cornwallis had dealt with only European corruption and self-seeking. But Munro and his companions dealt boldly with the problem of the Indian in public service. In this respect the young reformers followed the great examples in world's

1. See Report on the Dekhan. William Chaplin, 1823, para 170.
2. Warren Hastings and Cornwallis are included in the list. Cornwallis emphasised 'clear laws' and ignored 'education', just because Warren Hastings had done the reverse,

history and avoided fancy. In ancient history, the conquering Romans had admitted the Gauls to seats in the Senate. In the medieval history of India, Akbar employed the Hindus freely, and the Marathas gave high offices to their non-Hindu subjects.

The immediate results of settlement according to Munro can be studied in the case of any province. But that of the Punjab is conspicuous. When the sepoy mutiny broke out, that province was calm as a lake. It served also as the base of operations against the rebels.

The more important and ultimate results are not less striking. 'Settlements' helped to fill the records of government with reports, statistics and histories which were subsequently digested into Gazetteers, Manuals, and Selections, and thus removed the British ignorance of India. 'Education' on Western lines improved the national character of the secular classes among Indians, and created a new India, which came to look upon England as a friend and benefactor. 'Employment' made the government responsive to the wishes of the people and also responsible to some degree. Equitable justice administered by the British Courts made the greatest appeal to the Indians and regulated the pace of the peaceful revolution. The absence of a national rebellion<sup>1</sup> in the last century and the present one is an indication of the universal good-will and faith in the 'good government'.

But it is not for nothing that this system of government is popular. The Indian and the Englishman

1. A History of Europe. P. 1022 H. A. L. Fisher.

alike are interested in its preservation and help each other in supporting it. This is the cohesive force within the system. So far as the Indian is concerned, he thinks there is much freedom for perpetuating his civilisation and culture. There is absolute freedom for everybody to preserve and to develop his culture. The spirit of service pervading the British rule is congenial especially to the spirit of the Hindu and on occasions reminds him of the Dharma of his ancient kings<sup>1</sup>. The predominance of character in officials also appeals to him. The withdrawal of physical force to the background and the public display of morality by strict adherence to the spoken or written word have made a deep impression on his mind. The standpoint of an Englishman is not far different either, but his is less sentimental on the whole. If he be philosophical like Burke, he will deem his task in India as 'a trust to which the order of Providence has called us.'<sup>2</sup> If he is a simple reformer, he will welcome the humanism<sup>3</sup> underlying the liberalism

1. India yearns for civilisation and not for constitution. She is concerned with the spirit rather than with the body of life. Burke stated this point correctly.
2. Marquis Wellesley wrote to the Directors that 'it would not only be impolitic but highly immoral to suppose that Providence has admitted of the establishment of the British Power .....with any other view than that of its being conducive or the happiness of the people, as well as to our national advantage'. Despatches, Edited by M. Martin, 1836. II, P. 325.
3. This is Benthamism. See Life of M. Elphinstone. T. E. Colebrooke II PP. 115 and 125. Unfortunately, pure Benthamism is an abstract idea. Hence, an alternative expression 'humanism'.

of the British in India. If he be simply pious or true to Christ, he can see the vision of 'brotherhood of man and man, and of man and beast, which was of the heart and not of the brain', and of an empire established on 'the hearts and feelings,'<sup>1</sup> of the subjects. A faddist in economics or politics will be happy to see the free play of theory in the conduct of government. But a more practical man—a numerous type—interested in industry or trade from day to day is sure to offer his support to the slow motion of men and things, because he cannot go wrong in his calculations. An 'imperialist' will find Indian safe cheaply managed and secure,<sup>2</sup> regardless of the cynic who may say that East and West can never meet or of the romantic poet who may sing of the unity of the world or of a statesman<sup>3</sup> who welcomes the re-union of the Aryan race.

But it is neither the immediate result nor the growing general approval of the Munro system that makes it really great. Its real value lies in the everlasting qualities that it possesses. Firstly, it is the only system by which liberty has been introduced in India.<sup>4</sup> The

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1. Canning said in the House of Commons that 'he [Munro] managed with such address, equity and wisdom, that he established an empire over their hearts and feelings'.
  2. The American Rebellion (1776—83) had a chastening effect on the colonial policy of England, and also made her concentrate her energy on the empire in India. See *Expansion of England*, Seeley.
  3. E.g. Earl Baldwin.
  4. 'The responsibilities of Empire are not to be reckoned in cash terms, since the life is more than the meat'. Wingfield-Stratford, *op. cit.* P. 766.

prince, the peasant, and the mass of other sections of the population have their freedom in clear terms and in regulated measure, without injuring the freedom of the nation to live and grow. It is the only means by which 'union has been united with disunion' and the weak have been protected against the strong. Secondly, it is the only system by which life has been preserved amidst death. The individual has an interest in co-operating with the state and gives vitality to it. The state is equally interested in the individual, and encourages him to lead an active and useful life, to accumulate and inherit property and to solve the greater riddle of life. Finally, it is the only means by which the ideals of the east and the west have been and should be united and mankind saved. 'It appears to be the scheme of Providence that a necessity of society should first be wrought out on a limited scale, as amongst the Hebrews and the Greeks, before the results become available to mankind at large'.<sup>1</sup>

1. Higher Education in India, Sir Raymond West. (In the Transactions of the Ninth International Congress of Orientalists) P. 79.

## V. CONCLUSION.

Sir Thomas Munro should be considered as the founder of a liberal school and party in India, which both Indians and Englishmen were and are invited to join. He was a practical Burke, and defeated Antichrist in India with moral weapons.

Sir John Malcolm in one of his letters described Munro's system as 'one of the best in the world'. Even Bentinck, who had differed from Munro in 1807, admired<sup>1</sup> and imitated Munro during his Governor-Generalship. Dalhousie too acknowledged the greatness of Munro. Parliament has all along incorporated the principles of Munro's system although something more remains for future consideration.

Elphinstone was the first to record that "the system here alluded to was that introduced by Lord Cornwallis, and bearing the sanction of his lordship's high name, and falling in, as it did, with some of our strongest national prejudices and partialities, had naturally taken deep root in the breast of every Englishman. Undismayed, however, by such obstacles, which most men would have deemed insuperable or would have shrunk from encountering, Sir Thomas Munro had the courage, not only to arraign it, but also to stand forth, single-handed, as the champion of the natives of India and the adviser of a more generous and enlightened policy, heedless of the clamour and odium which for a length of time it drew down upon him. That which he undertook,

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1. See his letter to Munro on appointment as Governor of Madras.

moreover, with such undaunted resolution, he had the talent and address to achieve. The word of truth, out of the mouth of so noble and eloquent an advocate, in the end prevailed and bore down all opposition ; and his name will go down to posterity as having paved the way for what, from necessity, if from no other cause, will in all probability be the ultimate, altho' gradual, result of the change of system he was so instrumental in bringing about, namely, the transfer of the whole of the civil administration of the country into the hands of the natives to their own great moral improvement and unspeakable benefit of the country".<sup>1</sup>

Macaulay said in Parliament that "I reflect with pride that to the doubtful splendour which surrounds the memory of Hastings and of Clive, we can oppose the spotless glory of Elphinstone and Munro. I observe with reverence and delight the honourable poverty which is the evidence of a rectitude firmly maintained amidst strong temptations. I rejoice to see my countrymen, after ruling millions of subjects, after commanding victorious armies, after dictating terms of peace at the gates of hostile capitals, after administering the revenues of great provinces, after judging the causes of wealthy zemindars, after residing at the Courts of tributary kings, return to their native land with no more than a decent competence".<sup>2</sup>

1. Opinions of the Hon. Mountstuart Elphinstone, 1831. P. 39.
2. 'Speeches and documents on Indian policy' 1750—1921 edited by A. B. Keith, Vol. I. P. 247. Thomas Babington Macaulay in the House of Commons, 10th July 1833.

Sixty-six years later, a handsome tribute of grateful memory was paid by an Indian writer : “ And Colonel Munro of Madras, who knew the people of India probably better than any of his contemporaries, asserted the truth, which was then almost a heresy to most of the Company’s servants : ‘ If we pay the same price for integrity, we shall find it as readily amongst natives as Europeans.’ ”

Almost simultaneously, Ramesh Chunder Dutt wrote that “ when on the eve of leaving India, ripe in years and in honours, Sir Thomas died of cholera on July 6, 1827, a month before the death of his great friend, George Canning, then Prime Minister of England. Nearly half a century before, Thomas Munro had first landed at Madras as a cadet and after having worked his way there as an ordinary seaman, because he could not pay for his passage. How much is India indebted to that poor friendless seaman.”<sup>1</sup>

Lately Professor A. B. Keith concluded his survey of British policy in India and prefaced his Constitutional History of India, with a handsome reference to Munro.<sup>2</sup>

1. England and India, R. C. Dutt. 1897 Chapter II.

2. A. B. Keith op. cit. Preface xxvii.

The latter was published in 1936.

## APPENDIX A.

### READ'S SYSTEM.

*Copies of letters from Sir Thomas Munro to Captain Allan, the originals being among the Lord William Bentinck papers in the possession of the Duke of Portland at Welbeck Abbey.*

(No. 1.)

DHARMAPURI,

26th December 1793.

DEAR ALLAN,

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You ought to have applied to Read for a full detail of his mode of collection—five minutes' conversation would explain it better than a whole week's writing. I am very happy to hear that you mean to write your friend John Sullivan on the subject because I am convinced that you will do Read justice, and that the more generally his zeal and labours are known the better it will be for us all—his merit does not consist in having discovered any new System—but in making the rents of the inhabitants moderate and securing them against oppression—and this is no trifling matter, for when it is considered in all its consequences it will be found to comprise almost everything essential to the prosperity of the Country and the increase of Revenue and to be worth all the intricate Systems and Calculations in the world. Under Tippoo's Government about 30 per cent of the Revenue was embezzled on its passage to the Treasury—it was divided among Asophs, Kiladars, Amildars and the numerous band of Accountants that Tippoo employed as checks on each other—and it was done with so little reserve that in many places their respective proportions were as well known as their pay. Large districts were delivered over to an Amildar to get as much

money as possible, no matter by what means. Cattle, grain and everything requisite for the public service was paid for at an under value—but the money never reached those who ought to have received it—if an order came to a village for a hundred *Bullocks* and a hundred *Cundies* of Grain all the petty farmers in it contributed according to their abilities but the *Gour* or head farmer and his *Friends* gave nothing, and in the division of the money he got a share and the *Servants* of the *Sirkar* the rest. *Read* has no *Amildars*, his *Tassildars* are merely receivers and have nothing to do with the interior management of the villages, his only renters are the head farmers, none have more than one village which is seldom below ten or above a thousand *Pagodas*. For want of time to go thro' the vast detail of the whole Country he has been obliged to leave to some of them the regulation of the rents of the little *Ryots*—within their respective villages—but, in a month more, in three-fourths of the whole of the Ceded Countries the rent of every ryot who pays a finance to Government will be fixed by himself and wherever this is done the *Gour* becomes like the *Tassildar*, nothing more than the receiver of his village, for every man in it who pays nothing to Revenue has a *Chit* or *Cogan* signed by the Collector specifying the quantity of his land and the rent of it for the year and the *Gour* cannot increase it. In those villages also where the *Gour* is permitted to make the distribution of the Rent he can collect none until he gives every *Ryot* a *Chit* which is afterwards signed by the Collector. By this means *Read* knows what every ryot in his district pays. But all this without constant vigilance would be little better than theory, for the ryots have been so long accustomed to submit implicitly to the oppression of their superiors that with their rent rolls in their hands they will pay double their amount if it is demanded by the *Gour*—as few of them can read they are often cheated by false receipts—a man pays 5 *pags.* and the *Curnan* gives him a receipt for four—this is now in great measure checked by an order to the *Ryots* never to make payments unless before witnesses but it will still require some time to stop altogether the *Extra Collections* of the *Gour* for they are generally made for the purpose of bribing the *Brahmin* of the

Cutcherry hoping that by acting in conjunction they would be able to conceal their depredations from Read. This would certainly happen were he to remain always at one place but by continually moving, by visiting every trifling village and by walking in the fields without any attendants many of the Ryots take courage and tell him their complaints, the speedy redress they receive makes them bolder every day and I hope that in two or three years no man will be able to make them pay a fast [sanam?] above their fixed rent. You will see from what I have said that Read is his own Amildar and you may guess what an unremitting attention is required for conducting such an extensive detail as that of securing 40,000 renters in their possessions.

No. (2)

*22nd July 1794.*

DEAR ALLAN,

I received your letter some days ago—and was not a little flattered on seeing it. So I thought at first from the number of questions it contained that it was from the King—but I was sorry you did not like him answer them yourself—Law, Commerce, Agriculture. These are too many subjects for one letter, and more I am afraid than I shall ever be able to reply to in a satisfactory manner. There is no remedy as I told you before but to study Read's Reports, and even they, I believe, have not yet touched on Law—so you cannot expect any from me. I write now merely to show you that I have not forgotten your letter for I am myself engaged at present from morning to night—not in writing—but in debating about Rents which jades me so much that I feel myself unfit for writing afterwards. I have never paid any attention to Law—and of course I know very little of it—I am sensible that the administration of Justice is very imperfect here—but I doubt much if it would be bettered by the introduction of our Courts. How is English Law to be administered thro' the medium of Dubash interpreters—I would as soon see the Inquisition among us as a

Corps of Judges turned loose into the Country, and led by such Banditti. If English interpreters are established it will take a long time to train them and there must be one for each Language for Canara, Mieni, Malabar and Gentoo. This after all will be no more than the shadow of an English Court—for there we have but one Language which is perfectly understood by the Judge and by everyday decisions regulated by particular turns of Expression and various constructions of evidence. What can we look for in a Court where the Judge and a considerable part of the Jury are totally ignorant of every thing that passes during the examination—and must form their opinion on the explanation of one man who is perhaps not half master of the Language which he interprets. It might require some consideration whether it would not be proper to introduce a portion of English Law in Criminal Cases—but in all Civil matters I think it would be much better to leave them to their own fancy. Though they have no written Codes as in Bengal, they have enough of tradition to make a very good Common Law—on this tradition and on common sense their decisions are grounded—and where no... [illegible] influence is employed they are just as good as any we could have were we to go for them as far as England. Both parties are at liberty to challenge as many members of the Court as they please—and the Panchayet as it is called seldom proceeds to try the cause till they have received a written acknowledgment from each that they have no objections to any of their number and are willing to abide by their decisions—a Collector may no doubt sometimes control them—but this is an evil which cannot easily be removed—for whether we employ Judges or Collectors as long as we are Rulers of a strange nation—the Collectors will in some shape or other interfere with the Cause of Justice. The Native Courts may give wrong decisions at times—but seldom I believe any of great consequence—and on the whole their justice such as it is with all its imperfections, from its cheapness and expedition, will be better than the Correct Justice of English Law attended by all its expenses & delays. We are so vain of our Laws that we suppose all nations are impatient to share in their Blessings that our Conquests cannot flourish without them and that a Bench

of Judges is more necessary than Garrisons for their preservation. Your friend you say accuses me of not having considered the Case of the Weavers with much judgment. This is discouraging—for I have considered it with more attention than I bestow on most subjects—but my judgment failed when I concluded that Government was not instituted merely for the purpose of wringing as much money as possible from the governed, and that tho' the chance of war has left the people of the Barramah! at our mercy we ought not to consider them as merchandise of which we are at liberty to make the most on the plea of its being for the benefit of the Company—unless we can discover that—(illegible). Weavers were created solely for the use of a set of men in Leadenhall Street. How inconsistently we act when our avarice and our pretended principles of justice are at variance. We are eager to give the natives what we cannot give, and at the same time we deprive them of what they had before. We wish to force upon them Roman and Gothick jurisprudence which can never be assimilated to their Customs and prejudices—but we refuse them what is in our power to grant—the liberty of following their own inclinations in their different professions. In what part of the English Code do we find the law of Investment—or that Manchester weavers are to work only for the East India Company. Why should Indian weavers be laid under more restraint than any of the other classes of Inhabitants. We have an excellent reason—the old one for the good of the Company's trade—but if this principle is followed closely there is no end to the oppression which may ensue—the absurdity and hardship of it strikes us little at present because its operation is confined to Cloth—but why may it not be extended to Sugar—Indigo—and every important branch of trade—and the cultivators be compelled to bargain with the company only for the produce of their Labour. I hope we shall soon see the whole people of the Country brigaded for Investment, one Corps for Sugar, one for Cotton, one for Indigo, one for Silk and so on, with a Reserve if thought necessary for Grain. When this arrangement arrives from Europe the weavers will I suppose have the right as being the oldest Corps.

When I in defiance of judgment voted for their freedom I did not go so deep into the subject as to calculate what the Company were to lose—I never thought of putting their gains in Competition with justice—but I thought then as I think now that every trade however great its profits which cannot be supported without injustice ought to be abandoned. So much for declamation. The Investment after all does not require such desperate remedies—for it would go on as well by gentle measures as constraint. The Company have only to give a proper price and they will find plenty of Weavers. If they do this there is no danger of their being rivalled by foreigners. The price may still be fixed—but if it is below what is usual in the market we cannot expect that weavers not already belonging to the Investment will engage in it without Compulsion. Why should not the Company be able to afford as high a price as Individuals. They will derive no permanent advantage from withholding from their subjects the real value of their labour—it is the weak rapacious policy which has so long disgraced every department of our Revenue and Commerce which makes us call such measures wisdom. The Resident is entirely of my way of thinking on this head for he tells me he has never pressed any weaver into service. As far as I know he conducts himself with great moderation and has never sanctioned force—and where improper means have been employed, it has, I believe been without his knowledge—his declaration is a proof that he thinks the Investment will thrive but by leaving the weavers to their own choice. Those who maintain the opposite opinion virtually acknowledge that the weavers do not receive the full value of their Cloth—for if they did, why should violence be required to make them deal with the Company.

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## APPENDIX B.

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### (1) PROPOSALS OF MUNRO.

#### *(Fresh Selections)*

1. Allowances to servants in the Taluk and District Offices.
2. Answers to questions regarding a Rayatwar Settlement.
3. Importance of the revival of the office of Patel and of transferring the office of Magistrate and Police to Collector.
4. Appointment of Village Munsiffs and Panchayats.
5. Disarming the people.
6. The status and allowance to Patel.
7. Prohibition of lawyers in the courts.
8. The composition of a Panchayat.
9. The popularity of Patels even in southern districts.
10. Success of the experiment of appointing District Munsiffs.
11. Addition to the salaries of officials at the Presidency.
12. Civil servants under suspension.
13. The Establishment of the Collector of Bellary.
14. The old and new police systems.
15. The duties of a Public Secretary.
16. Condition of granting land or money as reward for service.
17. The state of Chittoor and Salem districts.
18. The conduct of the Raja of Tanjore.
19. Hickey's petition for financial help.
20. Misunderstanding of Munro's view by the Commander-in-Chief.
21. The footing of Deputy Secretaries and Assistants.
22. The Civil Service Fund.
23. Rules for the conduct of Civil Servants.
24. Inequality between Judicial and Revenue servants at the Presidency.
25. The number of civil servants in the whole presidency.

26. Exchange of officials.
27. Civil servants after leaving College to serve as Assistant Collectors for two years.
28. The state of each district in the southern province.
29. The Native Pension Fund.
30. The Nilgiris for a Sanatorium.

## 1. Allowances to servants in Taluk and District offices.

(Selections from the Records of Bellary District. No. X)

*10th April 1806.*

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37. The paper No. 10 contains a list of the revenue servants employed in the Ceded Districts and of their monthly pay. The whole of the revenue servants may be comprehended under the two heads of the Collector's or Division Cutcherry and the Amildars or District establishment. The cutcherries of the principal and of the three subordinate collectors being composed of exactly the same descriptions of servants an account of one cutcherry will answer for all the rest.

38. The duties of the Collector's cutcherry are performed by serishtadars, cashkeepers, moonshees, English writers and shroffs, for all the remaining servants are merely their assistants.

39. The Serishtadar is the head servant of the cutcherry, over which he has a general control. He is also the Head Accountant and the Keeper of all the records. He makes the settlements under the collectors and these being well or ill made must always on a considerable degree depend upon his integrity and ability, for whatever attention the collector himself may bestow upon the subject his settlements will be incorrect, and the assessment will seldom be distributed according to his directions, unless he is assisted by the judgment and personal superintendence of an experienced Serish-

tadar. Two Serishtadars and two Deputy Serishtadars are employed in my cutcherry, because from the great extent of the Division, the survey and annual settlements could not be carried on at the same time with a smaller number.

40. The cash keepers have the charge of the Treasury. They keep the accounts of all receipts and disbursements. They compare at the end of the year with a Gumastah from the Amildar of each District the receipt of current and extra Revenue and the ordinary and the extra disbursements, but more particularly those for tank repairs and all balances due to the treasury, whichever arising from over-charges for such works, or for servants not present, are then recovered. The currency of the Ceded Districts comprising above 40 different coins renders the keeping of the Treasury accounts a business of great labour. As I hold their station responsible for all deficiencies in the Treasury, I leave to them the appointment of the cash-keepers and they usually employ either one of their own relations or some other person in whom they have perfect confidence.

41. The Moonshees are the Collector's secretaries. They conduct all his correspondence in the country language with the native servants and inhabitants. They ought to be something more than mere scribes, they ought to be well-versed in all revenue details for if they are not, the orders which they write will often be unintelligible to the persons to whom they are directed.

42. The business of the English writers requires very little succession [supervision?], it consists in

copying letters and accounts for the Public Departments and such other statements as the Collector may deem it necessary to have in English for occasional reference.

43. The duty of the shroff is to count all the money received or paid away, and to eject all bad coins. He is answerable for deficiencies occasioned by bad coins and by mistakes in counting, but not for malversation, because it cannot be committed without the concurrence of the cash-keepers, and for them the Serishtadars are liable.

44. All gumastahs may be comprehended under the general name of Assistants; as there is hardly any branch of revenue duty that can be executed by a single person, the principal officer in each has always a certain number of gumastahs. Thus the Serishtadars, Cash-keepers and Shroffs have their respective proportions of them. The duties of Golars, Peons, Masalchies, etc. are too well known to demand any particular explanation.

45. The District or Amildar's Cutcherry is formed of nearly the same descriptions of servants as that of the Collector. The principal [servants] are Amildar or Tahsildar, the Peshcar, the Serishtadar, the Gumastahs, and the Moonshee. The Tahsildar is in a small district something like what the Collector is in a large one. Though he does not himself make the settlement of his District, the knowledge which his residence on the spot enables him to acquire of the state of cultivation and of the offences of the inhabitants is often the best guide to the Collector in forming it. He directs and promotes

the cultivation of his districts by going round at the proper season and settling the village disputes by which it is often obstructed and distributing Tuckavi judiciously to the poorer Ryots; after the village settlement has been made, he makes the Ryotwar Settlements, when there is not time to do it in the Collector's Cutcherry. He collects the revenue of his district and hears and determines all petty causes which the parties do not choose either to settle by arbitration or to carry to the Collector.

46. The Peshkar is a Deputy who is allowed to the Amildars of the large districts only. He remains at the Kusbah when the Amildar goes upon a circuit, and he performs in general all those duties which the Amildar has not leisure to attend to personally.

47. The Serishtadar is the Registrar and Accountant of an Amildar's District. He is subordinate to the Amildar, but is at the same time individually responsible for the regular transmission and for the correctness of the accounts.

48. Of the District Gumastahs the greater part are employed under the Serishtadar, the rest act as assistants to the Amildar in the business of superintending the cultivation and collection.

49. The Moonshee is the Amildar's Secretary and has the charge of his correspondence with the heads of the villages etc.

50. The above are all the different denominations of servants that for some years composed the revenue

establishment of the Ceded Districts, but the introduction of the system of Amani customs has of late occasioned a considerable addition to it, by the formation of a separate class of custom servants. This class is composed of peons and gumastahs at the different chowkies, for collecting and registering the duties, and of a head custom cutcherry with each collector for the purpose of arranging and forming into a whole, the accounts received from the several districts. The servants at the chowkies are under the authority of the Amildars of the District in which they are situated, and those of the head custom cutcherry form a part of the Collector's own cutcherry and are under the control of his Serishtadar.

51. In the Ceded Districts the estimated expense of the collection of the customs was in 1214, 18%, while that of the other branches of Revenue was 6%, but there is no possibility of diminishing the custom charges without much greater proportional abatement in the receipts. If the list of servants is inspected, it will be found that their pay is individually low and that their expense proceeds from their number, but the number must always depend more upon the extent of the revenue and specially of the frontier, than the amount of the duties. The Ceded Districts from having Kurnool projecting into the centre of them, and from being surrounded on three sides by foreign territories, have frontiers between 6 and 7 hundred miles in length to guard; and as this frontier is all, except on the sides to Cumbum, perfectly open, it becomes necessary to station many peons at places where there is not a rupee of duty collected, but merely to prevent goods from passing

clandestinely, and as this object has not yet been fully attained, it will be expedient rather to augment than to lessen the Peon establishment.

52. If the detailed statements of the different articles on which the duties are levied could be dispensed with, the whole of the head custom cutcherries might be abolished, but as the saving would be only 4,200 pagodas it will scarcely be thought advisable for such a sum to discontinue the detailed custom accounts, and to relinquish with them the only means of acquiring accurate knowledge of the inland trade of the country.

53. With respect to the establishments forming the Collector's and Amildar's cutcherries, I am of opinion that the number of the inferior and the pay of the superior servants is too small. The estimate for those establishments and a for saderward on account of Fusly 1,215 reckoning the revenue at pagodas 16,50,000 was 5-19-70 per cent. To answer the ends of discovering and bringing forward the actual produce of the revenue, and of making the situation of the principal servants respectable and independent it ought to be at least 6½%.

54. In Districts where the Ryotwar system is followed it is obvious that the accounts will be much more in detail, and that a greater number of Gumastahs or Accountants will be required than in those where the settlements are made by villages or larger estates. In a Ryotwar Settlement the Chief source of defalcation of Revenue is the Kurnum's suppressing in his accounts a portion of the cultivated lands amounting to from 1 to 5%. Where there is a deficiency of Gumastahs, this loss

cannot be prevented by the Amildar, for he can personally investigate the cultivation of only a very few villages, and he must take that of the rest upon his Kurnums' reports, but when he has the requisite number of Gumastahs, he may by employing them in those villages which he has not leisure to examine himself, either put an entire stop to, or reduce the concealment of cultivation to almost nothing. The reduction of expense therefore by a reduction of Gumastahs though a plausible measure must always be productive of real loss; the saving is seen at once while the loss of Revenue is not at all apparent, and can be perceived only after a minute investigation. It may however be asserted with confidence that it is not less than 3% while the difference of expense between a defective and a full establishment of Gumastahs is not  $\frac{1}{2}$  %. But the number of Gumastahs and other inferior servants, however great, can be of little use if the principal servants either from the inadequacy of their allowances or any other cause commit abuses themselves, and connive at those of every person under them. When this is the case, the loss of Revenue cannot easily be estimated; but it is probable that in many instances it has been greater than ever it has been discovered or even supposed to be.

55. As there is a general combination down to the lowest village servants up to the Collector, it is not easy for him to learn what is going on, and when he has made the discovery he perhaps removes only one of servants to employ another equally corrupt and hence in order to prevent their falling into similar practices, he is forced to act rather as a spy over them than as a superintendent

of the Province committed to his charge. Of about 100 principal Division and District servants who have acted under me during the last 7 years there have not been more than five or six against whom peculation to a greater or smaller extent has not been proved.

56. The remedy for this evil is the same here as in other countries; it is to place them above the necessity of betraying their trust by giving them higher allowances. I do not say that this would effect a reform all at once, but it would soon make a very sensible change, and would in time render them trust-worthy by showing them that they had an interest in being honest. I do not attribute their want of integrity in public situations to any innate depravity of character, but to causes which under similar circumstances would urge the public officers of any other country to act in the same manner. They are under the dominion of foreigners and by being so sink in their own esteem and lose that pride which has often a great influence in stimulating men to an upright conduct. They have allowances which are no more than a large subsistence, and small as they are precarious, for they cease on the appointment of a new collector who always brings in a new set of servants, and they are placed in situations of great responsibility where malversation is always easy and detection extremely difficult, and even when made seldom extending to one half of the abuse. If with such strong temptations to fraud and so little inducement to honesty we should expect from the Revenue Servants of India conscientious discharge of their duty, we should expect from them what has never been generally found among any body of

public men similarly situated in any country on the face of the earth.

57. The granting of adequate allowances to the principal servants would add but a trifle to the public expenditure which would be greatly overbalanced by the augmentation which revenue would receive by their exerting themselves zealously to bring forward rather than conceal its actual produce. The difference which would be made by employing able servants rendered zealous by liberal allowances instead of the same men on the usual pay would not be less than 8 or 10 per cent in favour of Revenue, and this increase would be realized without any perceptible addition to the burdens of the people, because a great share of it had always been formerly drawn from them privately. The difference would not be so great in a District permanently settled, but even there it would be considerable, for the management of Amani lands and the remissions for the bad seasons etc., will always furnish abundant means of embezzlement.

58. Though the increasing the allowances of the head native servants is no doubt expedient as a measure of finance, it is entitled to attention upon a more enlarged scheme of policy. They cannot, it is true, be permitted with safety to hold the rank and influence, but it would be no more than justice to allow them to enjoy some share of the emoluments which they always possessed under the Hindoo and Mahomedan Governments. By showing them more indulgence in this respect, we should conciliate their attachment, and secure through their

influence the fidelity of all the lower classes of the people. It is a mistake to suppose that the higher orders have any regard for the Company's Government, for they would prefer that of any Native Power, Musulman or Hindoo, because under such Governments they can not only acquire great wealth but fill the highest Civil and Military Offices of the State, and though they are somewhat stripped of a great part of their property by arbitrary exactions, and deprived of liberty and even life on the most groundless pretences, they think the prospect of riches and distinction with all its attendant dangers which the service of the country powers offers is much more eligible than the humble but safe mediocrity which that of the Company affords. They have no interest in the stability of the British Government and all therefore who are out of employment as well as a great portion of those who are in office are in every way anxious for the success of the enemy, and ready to assist them with their influence as far as it can with prudence be exerted. It may be said that the British Government have conferred many benefits on their Indian subjects and it may be inferred that they are grateful for them. This is true with respect to the merchants, manufacturers, and cultivators, who look to nothing beyond their own occupations, and wish only to be allowed to pursue them in tranquillity, but the attachment of such men is of little consequence while the Brahmins by whom they will always be led and directed are dissatisfied. The benefits it must be confessed are of a negative than positive kind. They consist merely in the permanent assessment of the land rent, the

protection of property from undue exactions and the security of persons from imprisonment or punishment, unless in cases defined by law. But these measures required no sacrifice on the part of Government, they are as much calculated for the prosperity of the Revenue as of the inhabitants, for though an overstrained assessment may raise a large sum for a few years, a fixed sum will raise the largest sum for a long period. Violations of private property would tend to diminish Revenue, and no end could be answered by retaining the power of arbitrary punishment, because of the two motives which usually lead to it in the neighbouring States, one of them, the extortion of private property, would injure Revenue, and the other private enmity, can hardly exist between two classes of men so unconnected as the Company's European Servants and Native subjects. The Natives of India set but little value on Civil privileges, they seldom think of them except when they are violated in their own persons, and they consider imprisonment itself not only as no disgrace, but scarcely as a hardship. It cannot therefore be imagined that the Brahmins can look upon such general privileges as any compensation for what they have lost by the countries being under an European instead of a Native Government when all emolument and power would have centred in themselves. But a Regulation which by annexing higher allowances to their officers' situations should enable them to live more in the style to which they have been accustomed, and which should occasionally grant titles of honor for faithful or distinguished services would be felt and acknowledged as a real benefit and would secure their

attachment to the Company's Government. If their allowances were such as to render them independent after a reasonable length of service, there would soon be found in every District and in almost every village of the country some respectable Brahmins living at their ease on what they had acquired while in office such men would prefer the Government to which they owed their prosperity to any other, not only from gratitude but from the consciousness that they would be the first victims of plunder in a change. Their influence would be great and would always be exerted in support of order. No place could be found in their neighbourhood for existing disturbances without their knowledge, and their weight among the inhabitants would be more efficacious than the exertions of an army of Police officers either in discouraging or in bringing to light every interest hostile to the peace of the country.

59. The scale of allowances to the Native Revenue Servants seems to have been framed with a very few exceptions upon the principle of getting the work done at the cheapest possible rate, but though economy is to a certain degree commendable, that parsimony can never be advisable which denies to men in respectable situations the fair reward for their services. It is surely a degrading spectacle to contemplate a great and civilized people fallen under a foreign dominion, with the first men among them not only excluded from all power, but reduced in salary, even in the highest offices which they can hold, nearly to the level of domestic servants. Power cannot be given to them, but this loss might be made up to them in some other way, and the dictates of

a prudent as well as of a generous policy demand that they should be allowed a more liberal compensation for administering the affairs of a great Revenue which is drawn from their own country.

60. The Statement No. 11 shews what I think those allowances ought to be. No. 10 shews what they now are. The difference is about 1% upon the gross Revenue. The addition is chiefly in the pay of the principal servants; Amildars are allowed from 25 to 100 pagodas per month; Collectors' moonshees and Tahsildars 20 to 60; and Serishtadars 80 to 250 pagodas; for it does not seem to me too much to suppose that there may be situations of extensive trust and difficult manner, in which the services of a Native of India may entitle him to £100 per month.

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**2. Answers to questions regarding Rayatwar Settlement.**

(Selections from the Records of Bellary District)

*Ananthapoor, 20th June 1806.*

*Letter from Sir Thomas Munro, Collector, to Archibald Obins, Esquire, Private Secretary to the Right Honourable the Governor.*

I have the honor to inclose my answer to a paper of queries received under cover from you on the 18th ultimo.

QUESTION 1 :—Is it practicable in your district to make a permanent settlement with each individual?

ANSWER:- It is not practicable at present to make a permanent settlement with each individual ryot, nor can such a settlement possibly be made, until lands shall have become saleable. The ryots do not on an average pay each ten pagodas of rent. Men who derive their whole income from such small farms can have individually but very little property, and great numbers of them fail, therefore, every year from the most trifling losses, a fit of sickness, which prevents his working for a few weeks. The loss of a cow or bullock or a bad crop are evils each of them sufficient to force an ordinary ryot to throw up a part of his farm and a poor one, to relinquish it entirely, and become a common labourer. By lowering the assessment a permanent revenue might be obtained from the ryots though the same individual would not always pay the same rent. Each ryot would

occupy more or less land and pay more or less rent according as his circumstances improved or declined. But the aggregate rent of all the ryots of a village or district would always be the same or very nearly so. It could not be kept exactly at the same level continually without frequently making a second assessment upon the ryots for occasional deficiencies, but it does not seem necessary that the revenue of a great country should be as fixed as that of a private person. It is of importance that the assessment of the land-holder should be fixed, and this is done by fixing the rent upon the land, but it is of little consequence whether the revenue of Government be 5 or even 10 per cent higher or lower in one year than in another provided it suffers no permanent diminution.

**QUESTION 2 :—**What advantages would attend a permanent settlement with each individual ryot in your District?

**ANSWER :—**The advantages of a permanent ryot-war settlement are :—

1st. That it would cause no innovation, but would continue the system to which the inhabitants have always been accustomed, for in India there never has been a body of private land-holders possessing great estates. The body of private land-holders has always been composed, as at present, of ryots holding petty farms. The Zemindars and Poligars who possessed great estates were not private individuals, but tributary and sometimes independent princes.

2nd. That it would be the most agreeable to the inhabitants, because it can hardly be doubted that they would prefer the system to which they have always been accustomed, to any other.

3rd. That it would render the ryots more independent as proprietors holding directly of the Company, than as the tenants of a great land-holder, and they would enjoy more freedom in the management of their lands than the mootadar, who is restrained from demanding a higher rent than what may have been fixed by survey, for they would be at liberty to take whatever rent they could get for any part of their farm.

4th. It would diffuse more widely than any other system the benefit of private property in land, for it would extend it to the great body of the ryots instead of confining it to a few great land-holders.

5th. It is well adapted to the narrow circumstances of the ryots, for by not requiring the same rent every year from each individual it enables them to increase or diminish their farms according to their means of cultivating them.

6th. It would enable the country to yield a greater produce and perhaps a higher revenue than any other system, for as the ryot would enjoy the whole remission of rent granted by Government he would be better able to cultivate his land than under a mootadar who could allow him only a part of this remission, and as the land would be his own, he would be more willing to employ all his means, and all his labour, in its improvement than

he would have been, had it belonged to another person ; as the land would be better cultivated the owners would be more capable of adding to the revenue by paying an extra assessment, hereafter, upon any emergency or by paying immediately for the cultivation of waste lands.

7th. The revenue never could suffer any material defalcation, for the failures of individuals, though numerous would not amount to a large sum and would generally be made up by the extra cultivation of others ; if the waste were given up to the ryots, all defalcations might without difficulty be made good by an extra assessment, and if Government reserved the waste in its own hands, the cultivation of it would compensate for all deficiencies.

8th. The authority of Government and of the Courts of Justice would be more respected under ryotwar than any other settlement, for the ryots as proprietors of their several farms would have no armed followers, and could form no combination to disturb the public tranquillity. They would on the contrary rather be disposed to assist in maintaining it, for as those among them, who acquired property, would be indebted for it, chiefly to the exertions of their own industry, favoured by internal quiet, they would employ their influence, in supporting that order of things, under which they had improved their fortunes.

The disadvantages of a permanent ryotwar settlement are :—

1st. The expense of collection which must always be somewhat greater than where estates consist of one or

more villages but as the difference arises principally, from the greater number of inferior servants employed under the ryotwar system, in directing cultivation, and realising the rents, it would in a great measure, be done away, whenever the lands became saleable, for it would then be unnecessary to employ revenue servants to urge their cultivation, as their produce would be a sufficient incentive to the owner, to keep them in good order.

2nd. The great detail of accounts. The chief objection to these accounts is their increasing the charges of collection, but this is perhaps counterbalanced by their exhibiting a complete view of the state of the cultivation and of the resources of the country.

3rd. The interference of revenue servants in the agricultural concerns of the ryots, and High rents fluctuating every year, have rendered such interference at all times necessary in order to prevent private collections, and the decrease of cultivation, but when the lands become saleable every kind of interference will be superfluous, because their produce as has already been observed will ensure their cultivation.

4th. The difficulty of repairing great tanks. Trifling repairs are often made by the ryots themselves, by each individual furnishing a quantity of grain in proportion to his land towards the expense of the work, but whenever the charges are so heavy that neither a share nor even the whole of the crop will defray them they are borne by Government, as they are often equal to the whole produce of the tank for three or four years. The ryots would never agree to assess themselves to such an

extent, and even if a remission of rent adequate to the making good of all expenses were granted, the sums which would be wanted for repairs could neither be collected nor disbursed by the ryots as a body. This inconvenience might perhaps be gradually remedied by making all tanks what is called Dasbandam, that is to say, by granting such a portion of the land Inam as would answer all expenses of repairs either to the head of the village or to any substantial ryot. Many tanks have been originally built and are still kept in repair by individuals under Dasbandam tenures; and it would not be difficult to place all other tanks upon a similar footing.

5th. The necessity of issuing tuckavi to the poor ryots. No reduction of rent that could be granted under a permanent settlement would for a long time have any sensible effect in diminishing their demand for it for the proportion which they require is seldom less than half their rent.

6th. The fluctuation of revenue in different years. As it is supposed that a permanent settlement cannot be made with the ryots individually that the assessment must be fixed upon the land, and that they must be permitted to extend or contract their cultivation according to their means, it is evident that there will be less cultivation, and more failures, in bad than in good seasons, and that if the defalcation from both these causes is admitted, the revenue will be less in some years than in others. If any specific sum, as five lacs of pagodas, were assumed, as that, which ought to be the fixed rent of a collectorate, the fluctuation would never be ten per cent

above or below that point, it would always keep within  $4\frac{1}{2}$  and  $5\frac{1}{2}$  lacs, and generally be within  $4\frac{1}{4}$  and  $5\frac{1}{4}$  lacs. If it were thought an indispensable object that the amount of the land rent should be the same every year, it might be attained without any great difficulty by imposing an extra assessment upon villages or districts for the deficiencies of bad years, and relinquishing to them the increased produce of good ones.

QUESTION 3:—What advantages, and what disadvantages would attend the introduction of Zemindars or Mootadars into your district such as have been introduced into the Baramahal Jagheer etc. ?

ANSWER:— The advantages would probably be as follows :—

1st. The immediate encouragement of agriculture. As the Mootadar would have a deeper interest than the revenue officer or even than the ryot in the cultivation of the country he would be more anxious to promote it. The revenue officer who superintends cultivation derives no benefit from its improvement and loses nothing by its decline, and has therefore no interest in giving any more attention to it than just what may be sufficient to prevent his removal for neglect. Nor has the ryot in a ryotwar settlement so immediate or so great an interest in the improvement of his land as the Mootadar has in a village settlement. The ryot would have no particular interest in the improvement of waste land, because if he broke it up himself he would be obliged to pay the rent of it, and if it were broken up by another person he could draw no other advantage from it than

that of a small remission of rent proportioned to the excess above its fixed rent which the village might yield from the cultivation of waste. The ryot would not at first consider his land as his own property, he would be uncertain whether some trifling loss might not force him next year to relinquish a great part of it and it would probably be some years before he could ascertain what he would be able to keep permanently, and before he would venture to employ his whole means in improving it as a private estate. The Mootadar on the other hand would perceive at once that he was a land-owner; he would therefore exert himself to keep up cultivation to its present level in order to prevent the decrease of his income, and as all additional cultivation would be clear profit he would have the strongest inducement to cultivate waste.

2nd. The apportioning the rent to the circumstances of the ryots. This can be much better done under the mootwar, than under the ryotwar system, for in a permanent ryotwar settlement the rent must necessarily be fixed upon the land, and, though it may be occasionally lowered by the revenue officer to such ryots as are poor, or have met with accidental losses, he can neither know so well the state of their affairs, or the amount of remission that ought to be granted as the Mootadar. He will from this ignorance, often remit where it is unnecessary, and collect rigidly, where payment cannot be made without distress or perhaps ruin. The Mootadar, who is supposed to have been previously either a Potal or head farmer, will rarely commit such errors. His own experience as a husbandman, and his

residence in the village, will render him perfectly acquainted with the circumstances of the ryots, and his own interest will render him from exacting rent where it cannot be paid without the subsequent failure of the individual, and will also induce him to grant leases at a reduced rent wherever it is necessary.

3rd. Indulgence to the ryots in general, and particularly to the poorer sort. The advantage, which every Mootadar derives from the arrival of a new tenant, and the loss, which he incurs from the desertion of an old one, urge him to shew every reasonable indulgence, not only to their real wants, but to their prejudices. He is often obliged to grant a greater reduction of rent than is absolutely necessary, in order to prevent his tenants from going off to another estate, and he is enabled to do this, without failing himself, by the additional rent, which he obtains from the cultivation of waste. But in a ryotwar settlement there is no particular motive for such indulgence, because revenue loses nothing by the removal of ryots from one village to another, for they must cultivate land, and pay rent wherever they go.

4th. The speedy establishment of private ownership in land. This ownership becomes universally, and instantly established by the Mootawar settlement, for every Mootadar understands at once that the village, or villages, composing his estate, are his own property, and not a field is left without a private owner, but, under the ryotwar system, private ownership can neither be immediate, nor general until the lapse of many years. It would begin among the more substantial ryots, but it

would be a few years before they could determine what lands they would permanently retain as their estates, and the poorer ryots would continue during many years to relinquish old, and take new lands as at present.

5th. The transferring from Government to individuals the direction of tank repairs, and of the issue of tuckavi. There is no branch of revenue charges, which is so liable to abuse as tank repairs, and, as tanks can be kept in better order, and be repaired at much less expense by individuals than by Government, the transfer of the management of them to such individuals would be an advantage to both parties. The Mootadars will, for the sake of their own interest, issue tuckavi wherever it is requisite, and they are much better judges of the necessity than any public servant.

6th. The reduction of the number of revenue servants and of the expense of collection. As cultivation will be superintended by the Mootadar, and as no accounts will be kept by Government of the lands, and rents of the ryots, the pay of the extra servants, employed for these purposes, will be saved.

The disadvantages of the Mootawar system are:—

1st. Its altering the established order of things. Under the Indian Revenue system there are no great private land-holders; all ryots hold immediately of the Sirkar, and have an equal right to the land, they respectively occupy, as long as they pay its rent, and there is no landlord but the Sirkar, who can raise it. Every village is a kind of little republic under the management

of the Potail or head farmer, assisted by the Curnum or Register, the Taliari or Watchman &c. The Potail superintends cultivation, collects the rents, and settles all petty disputes, and he enjoys an Inam land, usually equal to about 5 per cent of the rent of the village. By possessing this Inam he is a hereditary land-owner, but with regard to all other land, which he may cultivate, he has no advantage or right, which every common ryot has not equally in the land, which he occupies. If therefore the Potail become the Mootadar, the right, which was common to all the ryots, becomes exclusively his, and they cannot hold their fields but upon the terms, which he may choose to prescribe, a change which cannot possibly be agreeable to them. If any other person than the Potail becomes the Mootadar the change will be still greater for the Potail himself will lose his ancient rights. He may retain his Inam, but he will lose his office, he will be degraded from the rank of hereditary chief of a village to that of a pensioner. It is probable that the whole establishment of village servants which is so well adapted to the convenience of the inhabitants, to the preservation of order and to the maintenance of the authority of Government, will be greatly done away by the Mootadars.

2nd. The concentrating of landed property in a few hands under a such a system. The great body of the ryots would never be wealthy, they would be kept in a state of dependence on the Mootadars, who would give them short leases, just sufficient to encourage them to cultivate the land, but would take care to secure to themselves the chief share of the profit of all improve-

ments. There would be richer individuals, but the aggregate wealth of the country would be less than under the ryotwar system, for the ryots would not cultivate their farms so well, or draw so great a produce from them, as tenants, as they would as owners, and the authority of Government, and of the Court of Judicature, would be less respected, for it would be more easy for great land-holders, than for petty ones, to form combinations to oppose an increase of rent, or any other unpopular measure, which circumstances might hereafter render necessary, and also to acquire such an influence over their tenants as might deter them from complaining of acts of oppression.

3rd. The power of raising at will the rent of the ryots. The Mootadar, without this power, is rather a contractor, or farmer of revenue, than a land-owner. If he has it, the ryots will certainly not only be so comfortable, or independent, with their rents rising continually with the successful exertions of industry, as they would have been, with them fixed, and reaping themselves, the whole benefit of every improvement, as tenants of the Sirkar.

4th. The general poverty of the Potails and head farmers, most likely to become Mootadars. Many of these men cannot cultivate their own farms without tuckavi and few have the means of advancing it to others when the issue of tuckavi, therefore, ceased on the part of Government; the ryots would seldom be able to obtain it from their new land-lord, a great part of the profit of their labour would go to the Mootadars, while

they would be able to obtain from them little or no help in advancing the improvement of their farms. The country would be divided among a few poor land-holders, who could hardly afford any aid towards promoting its cultivation, and who would depend, almost entirely, on the stock and industry of their tenants for discharge of their own rent to Government.

QUESTION 4:—How much remission of the land rent would render the field of each individual ryot saleable landed property ?

ANSWER:—No remission, that could be granted consistently with the preservation of revenue, would render all land immediately saleable. A great remission would accomplish this end sooner than a moderate one, but a remission of 50 per cent would not effect it all at once. It would be retarded by the want of confidence at first in the permanence of the remission, by the backwardness of all castes but husbandmen to purchase land, and by the poverty of the ryots. A remission of 20 per cent upon the survey assessment would probably render all land saleable in the course of twenty years, and, if the waste land were reserved in the hands of Government, it is also probable that its cultivation would, within the same period, make good one half of the remission. The ryots, having been always accustomed to annual settlements, and fluctuating rents, it would not be easy to persuade them that the remission was permanent. Some of the better sort would entertain no doubt of it, and would instantly take their measures accordingly but it would be some years before this con-

fidence is so general as to render any considerable part of the land saleable. The same want of confidence would discourage merchants and manufacturers from being or becoming purchasers until they were satisfied that the rent was fixed, and that, after paying it, a profit would remain. They would then either become purchasers themselves, or they would do what would be equally advantageous, they would enable the ryots to purchase by readily lending them money for that purpose. But the greatest obstacle to lands becoming speedily saleable is the want of property among the ryots. The agricultural stock of the country is far from being adequate to the quantity of land now in cultivation, and the ryots, not having the means of stocking their own farms properly, could neither purchase, nor cultivate additional lands. The only effect of the remission at first would be the giving to the land, now occupied, a higher degree of culture. When this was done, and the ryots had acquired the means of cultivating more, they would be anxious to purchase it. The purchase of land during the first four or five years would go on slowly, but would advance rapidly after that period.

**QUESTION 5 :—**What proportions of gross produce now go to the Sirkar, to the expense of cultivation, to the maintenance of the ryot's family, and what profit remains to him?

**ANSWER :—**These proportions vary according as the ryot is rich or poor, but, if the calculation is made upon the middling class of ryots, the proportions will be nearly as follows :—

Suppose the gross poudce	...	100
The Sirkar share is	45½	
The ryot's share	54½	
	<hr/>	100

Of the ryot's share there goes :

To fees, and the expense of cultivation	...	40
To the maintenance of his family	...	14½
	<hr/>	54½
	<hr/>	

The ryot's family is supposed to consist of five persons. The sum allotted for their maintenance is small, but it is sufficient for mere food and raiment. The ryot has no furniture except a few earthen vessels, which are furnished for the fees, included in the expense of cultivation, by the pot maker of the village. Of the expense of cultivation, the hire of labourers is reckoned to make about two fifths or 16, but, as most of this work is done by the ryot's own family, one fourth of the expenses of cultivation, or 10, should be added to the maintenance of his family, which gives about 24½ for that purpose. The ryot of the middling class is not supposed to save anything, but merely, to have enough, after paying his rent, to maintain his family, and keep up his agricultural stock. In every attempt to ascertain by calculation the income and expense of a petty ryot the result will always be that he has not enough, or barely enough, for subsistence, for such calculations, though they may be sufficiently

correct when applied to the case of a person, who does not cultivate his own land, can never extend to all the various minute means, with the cultivating ryot has of lessening the expense of cultivation, for, with the exception of the price of the seed, and the hire of a few reapers at harvest, all the rest is only the first cost of his ploughing cattle. All deficiencies among them are supplied by the cows of his farm, and he probably never purchases a bullock in the course of his life. But the ryot, besides the produce of his grain, usually makes about fifteen Pagodas a year by the sale of milk and ghee, poultry, and the thread spun by his women. Whatever he makes in this way is a clear saving, for he draws the maintenance of his family completely from his share of the crop, 54½, by saving one half to three quarters of the forty per cent, reckoned as the expense of cultivation. The maintenance of his family ought perhaps to be considered as a part of the expense of cultivation for he cannot superintend it, without being maintained. The smallest charge, at which a land-owner can get his land cultivated by another person, is properly the expense of cultivation. A Potal, or head farmer, who lets an Inam field to a ryot, gets from forty to sixty per cent of the produce, according to the quality of the land, but oftener below, than above 50 per cent. This is more than the actual expense of cultivation, but as the ryot can get land at this rate from the Sirkar, he will not give a higher one to an individual. As long as the Sirkar has land at its disposal what is called the expense of cultivation will be high. It will be reduced to its proper level when all land becomes private property, for the

owner will then leave the cultivator no profit beyond that, which is necessary to keep up the farming stock, and pay him the fair wages of management.

QUESTION 6 :—What security do you now take for the due realisation of the land revenue ?

ANSWER :—The making all the ryots of a village jointly answerable for the failure of individuals. This regulation however is merely a matter of form, for it is scarcely ever resorted to. The only use of it is to discourage application for remission on false pretences, for when a ryot, having the means of paying his rent, withholds it on the plea of poverty, his neighbours who generally know his circumstances, oblige him to pay in order to prevent the loss from falling upon themselves. There are also many villages, in which, by the custom of the country, the Potail and even the Curnum, are liable for deficiencies as far as the equivalent of their Inam Lands, and they have therefore a particular interest in opposing the claims of fictitious poverty. There are two operations in the course of the year, which, properly conducted, will always secure the land rent from defalcation. When the season of cultivation commences, the ryots are assembled in their respective villages by the Potail and Curnum, and the quantity of land, which each individual is to cultivate, is then settled. If a ryot has been unfortunate, he takes less, if otherwise, more than last year, but he will not take more than what he thinks he can pay the rent of. The ryots are again assembled some months afterwards at the time of the settlement which usually takes place between September and February. As the

state of crop and the losses, which individuals may have met with, are then known, the rent of each ryot for the year is easily fixed. When it appears that a ryot cannot pay the usual rent of his land, the abatement, to be made, is ascertained by the revenue officers, with the assistance of the neighbouring ryots, whose opinions are always adopted on such occasions, and, after deducting it, a putta is given to him for the remainder. If, notwithstanding these precautions, the produce of his farms, should be still unequal to the discharge of his rent he pays it by borrowing, for every ryot, however poor, if he is known to be honest and industrious, can always get credit from petty merchants, of whom there are a few in every little village. He is also frequently assisted by his relations or his neighbours, for the ryots of their means. If he can neither pay from the produce of his farm, nor borrow, his property is sold, but this is a case, which rarely happens, for care is always taken at the settlement to avoid this extremity by lowering his rent.

QUESTION 7 :—What steps does the ryot now take to pay his land rent, with an account of the cultivation and sale of grain of any ten ryots during the last year ?

ANSWER :—Nothing is more difficult than to state precisely the manner, in which any ryot pays his rent, for, as he has always been accustomed to see it rise with the produce of his land, he is on his guard against every question on this subject, and no encouragement will induce him to give a true account of the produce of his farm. He constantly underrates it, and pretends to have made up a great part of his rent by borrowing, even in

the best season, and it is only after a long cross examination, carried on with the assistance of his neighbour ryots that he can be persuaded to give anything like a true account. But though the manner, in which the individual pays his rent, can hardly be ascertained, that in which the class, to which he belongs, always pays its rent is sufficiently known, and though the accounts of the ten ryots in No. 2 may not be perfectly correct with regard to themselves individually, they exhibit a just enough view of the steps, which the classes, to which they belong, usually take, in order to discharge their rents. In all the accounts the produce of the land is, I think, considerably underrated, but this is more than compensated by the high prices, which were last year from fifty to a hundred per cent above the ordinary level. After making the necessary allowances on both sides, the value of the produce, as shewn in the accounts, is still, perhaps, 25 per cent more in favour of the ryot, than it is in average years. The steps, which the ryot takes in order to pay his rent, are in the different examples in No. 2, thrown into the form of a table, because in this way they are more easily seen at one view than if they had been drawn out into detail with all the names and quantities of the several kinds of grain and other articles. In such example the value of the crop at the price of the day is first shewn, then the value of that portion of it, which he sells on account of rent, but, as he rarely pays his whole rent from his crop, the value of other articles, such as sheep, ghee, thread &c., which he disposes of to make up the deficiency, is next shewn. The total value of the sales of his crop, and other articles,

constitute the fund, from which his rent is paid, and his rent being deducted from this fund shews the balance of cash and grain, remaining on hand. Cash borrowed is frequently an item in his account. If he is poor, it is because his crop has failed; if he is in middling circumstances, it is, usually, because he wishes to keep up his grain for some months till the price rises.

QUESTION 8:—What percentage on the Jumma has been issued in your District for Tuckavi during the last five years, year by year?

ANSWER:—The following is the statement of the Jumma, after deducting customs, and of the percentage of the Tuckavi.

Fusly Year	Land rent & Licenses S. Ps. <sup>1</sup>	Tuckavi S. Ps.	Per cent S. Ps.
1,210	7,09,571	12,000	1-31-33½
1,211	12,87,843	60,000	4-29-52
12,12	13,32,664	56,000	4- 9-70
1,213	13,66,123	63,000	4-27-41
1,214	16,10,073	70,000	4-15-50
<hr/>			
Total ...	63,06,274	2,61,000	4- 6-19
<hr/>			

QUESTION 9:—What proportion of ryots usually have been obliged to take Tuckavi, that is, a detail account of Tuckavi issued in any five villages, shewing what ryots took and what ryots did not require the aid of Tuckavi?

<sup>1</sup> S. P.=Star Pagoda.

ANSWER :—The statement No. 3, shews the proportion of ryots that required, and that did not require Tuckavi. It does not include the Fusly 1210, because Tuckavi in that year was only partially issued.

QUESTION 10 :—In the event of forming a permanent settlement with the ryots, would the remission, that should render the lands saleable make unnecessary the present annual issue of Tuckavi? If not, how much more per cent on the Jumma should be remitted to cover Tuckavi?

ANSWER :—Whenever land became saleable Tuckavi would be unnecessary, but it has been stated, in para 4, that no reasonable remission of rent could render land immediately saleable, and that it could become so only in the course of a number of years. Tuckavi, if issued to the better sort of ryots, is to extend cultivation, and if to the poorer, to prevent its decrease. That portion of Tuckavi, which goes to the better sort might be discontinued whenever a reduction of rent is allowed for the permanent settlement, but that, which is received by the poorer class, could not be stopped without great inconvenience, until land began to become saleable. It might then be diminished gradually, and be done away entirely in a very few years, and the poorer ryots might with safety be left to get such aid, as they required, from the more substantial, who, if they did not purchase their land, would readily make them advances, on condition of receiving a certain share of the crop. It would be in vain to substitute an extra remission of rent for Tuckavi, for as the extra remission must be general

only that part of it, which went to the poorer ryots, would operate as Tuckavi, but as their Tuckavi is some times equal to their whole rent, and usually amounts to 20 or 30 per cent of it, the extra remission, even if taken as high as five per cent, would very inadequately supply the loss of Tuckavi. The whole Tuckavi now issued is not 5 per cent of the Jumma, and it might be reduced to 3 per cent whenever the permanent settlement takes place, but it could never be advisable to get rid of this annual advance of 3 per cent, which is every year recovered, and always pays itself by a permanent remission of five per cent of the land rent.

QUESTION 11 :—What balances have occurred in your district during the last 10 years? That is, an account shewing the balance of each year upon the current settlement of that year?

ANSWER :—The accompanying statement No. 4, contains the account required. It includes only five years, as the districts were not ceded by the Nizam till Fusly 1210. The great balance in that year, amounting to Star Pagodas 21,949-5-47, was occasioned by the unsettled villages, the rest was against Poligars.

QUESTION 12 :—Who have failed in the payment and how? That is, a detailed account of the balance of any five villages for the last ten years, shewing the amount, and cause of failure in those five villages, year by year?

ANSWER :—Failures having occurred only in Fuslies 1210, 11 and 12, the statement No. 5, is confined to those years, and the amount of each of the five villages,

is for one year only, because no village has failed more than once. Failures arise from a great variety of causes, but poverty is the most common, and next to it, bad crops; they also sometimes proceed from the loss of cattle, and the death, or desertion of the ryot. Desertion, though usually occasioned by poverty, is also in some cases produced by village disputes, when ryots even of the better sort, quit the country, because they have suffered some real or supposed injury, and cannot get redress exactly according to their wishes.

QUESTION 13 :—What waste has been brought into cultivation during the last five years ?

ANSWER—The accompanying statement No. 6, shews the quantity of land, cultivated in each of the last five years. It is, however, but a very vague estimate, for the quantity of land having heretofore been calculated not by measurement, but by the supposed quantity of seed sown, and the grain measure differing in almost every village, there was no common standard for ascertaining the extent of land in cultivation. The present statement has been formed by converting the seed measurement or rather estimate, into acres, according to the average number of acres, which the land, estimated at a specific quantity of seed was found to yield in the several districts. The cultivation, though greatly increased since 1,800, is still considerably less than it was in 1,789.

QUESTION 14 :—Whether individuals have offered to repair old, or make new tanks on cowle ?

ANSWER :—Several new tanks have been built, and old ones repaired on cowle, but the number is not so considerable as it would have been, had the land rent been permanently fixed. The builder of the tank usually receives one-fifth, or one-fourth of the land, watered by it, in Inam, clear of all rent, or he enjoys the whole produce for five, six, or seven years, according to the expense of the work, and the land then reverts to the Sirkar. Whenever a permanent settlement takes place, such works will be much more numerous, for the inhabitants in general, but more particularly the Brahmins, and ryots, are extremely desirous of possessing landed property, where it arises from tanks, built by themselves, and, in order to obtain it, they give much more for it, than it is worth. The ryot, who, on condition of building a tank, gets only one-fourth of the land under it, very seldom gets 5 per cent interest on the money expended, but this does not discourage him, for he is stimulated to undertake such works by motives of religion and public spirit, by the vanity of giving his name to a tank, and by the wish of transmitting some real and durable property to his posterity.

QUESTION 15 :—What regulations exist about tanks, and water courses? That is, the account of any tank or channel, stating the rules about repairs, clearing our channels, distributing the flow of water, &c., from what funds and under whose superintendence all this is done?

ANSWER :—There are no particular regulations about tanks. There is a village servant, called the Nirganti, whose business it is to distribute the water, equally, to

all the lands. The water is carried by different channels to different portions of the land and experience has fixed the number of hours, that each channel must remain open in order to water the lands belonging to it. This time is known to all the ryots, as well as the Nirganti, and, if it is shortened, they complain to the Potail, who directs the customary supply of water to be given. Complaints on this subject are however so few compared to the number of tanks as to afford a convincing proof that the distribution of water is made with the greatest fairness. It is true that violent affrays often happen about water, but it is between the ryots, not of the same, but of different villages, that they occur, and they usually originate rather in a hostile spirit, fomented by two different Amildars, than in the question of their respective rights to the water, for wherever the water channels of different villages run in such a direction, as to interfere with each other, their depth, and course have long been fixed by mutual agreement, and cannot be altered. The repairs of all tanks in the Ceded Districts are made either at the expense of the Sirkar, or of individuals, who have Inam lands allotted to them for that purpose. The channels, which convey the water from the tanks to the lands, are cleared out, when necessary, by the ryots by working a certain number of days under the direction of the Potail.

[The statements mentioned by Munro have not been included in this book.]

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## Restoration of the Patels and Transfer of Magistrate and Police to Collectors.

*Fort St. George, Judicial Consultations 13th May 1815.*

MADRAS,

*28th March 1815.*

1. We have had the honour to receive a letter from the Secretary to Government in the Judicial Department enclosing an Extract from the Minutes in Council bearing date the 1st instant.

2. We are directed by these minutes to prepare several Regulations for modifying the present Judicial system, but we are also directed previously to ascertain the number of Village Officers to be employed under those Regulations their allowances in land grain and money and their willingness and competence to undertake the duties assigned to them ; as we think that the Regulations should be prepared and issued as soon as possible and not be deferred until an accurate knowledge of these matters have been acquired and that by a contrary course of proceeding no useful end could be gained and the business of the Commission would be protracted far beyond the period limited by a Court of Directors, we beg leave to submit respectfully to the Right Honorable the President our reason for entertaining this opinion.

3. By clause I of the Minutes the Commission are ordered to prepare a Regulation for Village Courts in conformity to the Honourable Court's letter and it is then observed "but it may be necessary for them previously to ascertain the following points."

1st “Whether the office of Potail universally exists and is vested in one person,”

2nd. Whether the Potail be willing to undertake the duty proposed to be assigned to him,

3rd. Whether the Mauniyams,—Fees and shares of produce, which are supposed to constitute the recompence of his labours are in all cases still continued.”

4. We do not think it necessary that the Regulation should wait until these points are ascertained.

We know that the Office of Potail, or something similar to it, which answers all the objects for which that office can be required, is universal. That villages are in general under a single Potail—that where they are two or more Potails—one only is the actual manager of the village. That in aggraharremes, and other villages divided into shares, and held in hereditary property by communities of Bramins, or Rayets, where the shares are interchangeable at specific intervals among all the members, and where the rights of all are equal, there is always some one individual, to whom the rest submit either on account of his abilities or some other cause—who commands the village servants and directs its affairs. That under the permanent system where the internal economy of the village has in some instances been deranged by the removal of the ancient Potail, either the actual renter or some other person appointed by him acts in his room. That in the great Zemindaries the village is either managed by a Potail or by some individual nomi-

nated to act as such by the Zemindar, and in fine, that in every village, there is some one person, however he may be denominated, who is the efficient head and manager.

5. With regard to the second point—"whether the Potail be willing to undertake the duty proposed to be assigned to him." It may be remarked that there is nothing in the duty now proposed different from that which has been discharged by the Potail at all times under every native Government, and even under our own, until the introduction of the Judicial system, that he has always been accustomed, either by himself or by means of a Panchayet, to settle the petty suits of his village, that the observance of custom has always been obligatory, never optional, and that to leave such a body of men as the heads of villages, the option of performing or not one of the most important duties of their office would be productive of very great inconveniency, for there can be little doubt but that among the Potails, as among all large bodies of men, a great number will wish to be relieved from as much labour and responsibility as possible, and decline the exercise of every duty wherever it is left optional with themselves. The object of the Court of Directors of having petty village disputes settled on the spot would thus be in a great measure frustrated by the Potails, to whom alone this duty can with propriety be entrusted, refusing to act. It would therefore be more advisable not to consult their opinions, but to issue the regulation, and provided its clauses are few, and simple, adapted to the

understanding of men in their situation in life, they will conform to it without the smallest objection.

6. With regard to the third point, "whether the Mauniems, fees and shares of produce which are supposed to constitute the recompense of his labours are in all cases still continued," it does not appear to be necessary that the framing of the Regulation should be suspended until this matter shall have been ascertained. We know that whatever those allowances formerly were, they are in general the same now; that upon them he discharged the duty in question under the Native Government and even under our own until lately, and may therefore do so again, and that under the permanent settlement or Decennial Lease in those cases where the Potal has declined to rent his village and received in consequence only a part of his service lands and fees, the new proprietor or Renter who succeeds to his office succeeds also to all the obligations of it, and is bound by the immemorial usage of the country to discharge them. Cases of a parallel nature formerly occurred every day in the Unsettled Districts. Whenever the Potal from sickness, incapacity, minority, or other cause was incapable of acting, and had no near relation qualified to act for him, a stranger was appointed to officiate, who received a share of the Potal's allowances and performed all his duties. It would certainly be desirable to obtain correct statements of the service lands and fees etc., of the Potal, but when it is considered how few districts possess such statements, in how many the statements which exist are founded upon vague information, and in how many they have never been yet

collected from the villages and how much time must elapse before they can be procured with any tolerable degree of accuracy it would unquestionably be better than the preparation of these Documents should follow rather than precede the framing of the proposed Regulation.

7. The Commission are directed to prepare a Regulation for establishing District Courts, but they are told at the same time that, "it may be necessary for them previously to ascertain whether there are individuals possessed of sufficient rank and respectability to preside over the proposed District Courts." We have no doubt that such individuals may be found, but their being willing to act or not, must depend in a considerable degree on the nature of the duties required and the amount of the fees or salary to be granted for the performance of them. We are therefore of opinion that the Regulation should be framed with as little delay as possible and transmitted together with a statement of the allowance fixed by Government for the District Courts by the Zillah Judges, and that these Courts shall be established, whenever the Zillah Judges shall report their having found persons properly qualified to preside over them. Many of the present Commissioners are in the class of men required of this office. They might be transferred to their new duties on the enactment of the Regulation, and would be the more efficient from previous experience. The causes settled by them the last year exceeded twenty six thousand. To make their situations more independent, to extend their jurisdiction and to increase their numbers where necessary without

delay, is in fact meeting the demands of the country for more speedy justice in matters cognizable by such Tribunals.

8. The draft of a Regulation for restoring the Village Police is required from the Commission, but they are directed to ascertain four points previous to its preparation. With respect to the two first of these namely whether the Taliars are sufficiently numerous? 2nd—"whether they are sufficiently remunerated?" we may remark that much labour has already been bestowed by two Police Committees on this matter, and that by the last all the information that is perhaps attainable in the present state of things has been drawn together. When we reflect that it is now ten years since the first Committee began its enquiries and above three years since the letter of the Chief Secretary calling for the statements upon which the last Committee founded their report was circulated and that the information is still defective, we cannot suppose that any investigation of the Commission would render it more perfect or extract from the local authorities anything which they have not already furnished to the last Committee. For we are satisfied that however desirous these authorities might be to throw additional light upon the subject, it is in most of the Settled Districts impossible for them to do so, both because the requisite investigations were not undertaken before the permanent settlement and because since that event they have not had sufficient control over the Curnams to make them with any effect. But this is of the less consequence because we know that the duties of the Village Police have in general always been and in fact

still are executed by the present Establishment of Taliares, and may therefore still continue to be executed by them. And hence we conceive that the Regulation should be framed and issued as soon as possible without waiting for the ascertainment of the number of Taliares and their allowances. This may be made a subject of future enquiry, but cannot as already said under the present Revenue Regulations lead to much additional knowledge and could not probably under any change enable to obtain the requisite information in less than two or three years.

9. The other two points which the Commission are directed to ascertain previous to drafting the Regulation are, "whether the Potails are fit to be entrusted with the charge of the Police of their Villages?" and "whether they are willing to undertake it?" With regard to the fitness of the Potails, we are convinced both from our own experience and from everything that we have been able to learn on the subject, that they are fitter than any other set of men to be entrusted with the Village Police. The influence which they derive from their situation as head of the Village, qualifies them in a higher degree than any other persons for the charge of the Police and as they have always been entrusted with it, they join to influence the advantage of experience. No other men could be substituted for them without incurring a heavy expence nor would they be found equally useful with all their expence. Even under our own judicial system, the impossibility of dispensing with the service of the Potails seems to have been felt, for the Village Police has in general been virtually managed by

them, though nominally by the Daroga Establishment. There are undoubtedly many Potails very little qualified for the charge of the Police, but this is a defect unavoidable in every institution similarly extensive and where incapacity is notorious it may be remedied in the usual way by the local authority appointing a substitute. No opinion of ours as to the competency of Potails can be of any use, as the question has already been decided by the Honorable Court of Directors, who have pronounced the Potails to be the fittest instruments for the management of the Village Police and ordered them to be appointed to it.

10. With respect to the last point to be ascertained *viz.*, "Whether the Potails are willing to undertake the charge of the Police?" This has been answered in para 4 in giving our sentiments of the employment of the Potails as Village Commissioners. It may further be remarked that the charge of the Police being a condition inseparably attached to their Office, it could answer no good purpose to give them room to suppose that it might be declined under any circumstances. For this would lead them to believe that some great change was intended, that the discharge of their Police duty was to be optional, or that if they agreed to hold it, they were to receive some additional allowance.

11. The Commission will furnish the statement directed by clause IX of the minute of the whole charges of every description formerly incurred on account of Municipal Establishments, which may have been resumed under the Revenue arrangements of this Presidency.

But in order to enable them to prepare it, it will be necessary that the local authorities be directed to furnish whatever documents they may call for and to assemble the Potails—Curnams or other Native Village or District servants—whenever they may require it for the sake of receiving additional information on the spot.

12. The Commission as directed in Clauses X & XI of the President in Council's minute will provide for the employment of Zemindars in the Police and prepare and submit through the Sudder Udalut the draft of a Regulation for transferring the Superintendence and control of the Police to the Collector. In this Regulation they will confine themselves to the transfer of Police but as they are required to "submit their opinion as to the expediency of the further transfer which Colonel Munro conceives to have been in the contemplation of the Court of Directors," they deem it advisable that the opinion should be expressed as early as possible and will therefore give it here.

13. We think it expedient that the office of Magistrate should be entirely transferred to the Collector. Our reasons for this opinion are:—that there seems to be no other way of preventing the Collision of the European local authorities, for it is extremely difficult if not impossible to draw such a line of separation between the powers of the Magistrate and of the Superintendent of Police as shall produce this effect. That while this collision subsists the respectability of both will sink in the estimation of the natives and neither be efficient. That the village officers will still

be equally at the call of either and be distracted in other duties as observed by the Court of Directors. That the system of the Village Municipalities in which every member has revenue duties to perform is calculated to be directed by the single authority of the Collector. That if the full transfer is not made the complaints, prosecutions for petty offences such as abuse language, calumny, inconsiderable assaults and affrays which by regulation VI Sect., VIII are cognizable only by the Magistrate, must still be carried to the Zillah Court and still prove a source of great vexation to the inhabitants by their being compelled to go so far from their homes. That if the full transfer were made, all these matters would be cognizable by the Collector as Magistrate, and might be settled on the spot, either by himself or by his Amildars vested with authority to hear complaints of this nature and to impose a trifling fine but not inflict corporal punishment. That the offices of Magistrate and Judge being united in one person oblige the Judge to bestow so great a portion of his time on magisterial duties that he has too little left for the hearing of civil suits, and hence the decisions are so slow that many persons are discouraged from bringing forward their causes from perceiving the impossibility of their being adjusted within any reasonable period. That by making the transfer and limiting the jurisdiction of the Zillah Judge to civil suits, justice might be so much expedited as to enable the courts to answer the demands of the country to which they are at present certainly unequal, and a considerable saving might be made with Magisterial Establishment and lastly the complete transfer is enjoined by the Court of

Directors and formed a part of their Instructions in their Judicial Letter of the 29th April last. The Chief objects of the Court throughout that Dispatch evidently are that the collision of authorities should be prevented, the administration of justice be facilitated, and the expence of the Judicial Establishment be diminished, but none of these can be accomplished, while the Zillah Judge retains the office of Magistrate; for the clashing of authorities must continue as before by the village and District servants still remaining subject to the orders both of the Judge and the Collector, the administration of justice must still be impeded by a great portion of the Judge's time being occupied in magisterial duties, and no one court be reduced in order to effect a saving; while the whole of the courts, by so much of the time of the Judges being so employed, are inadequate to the discharge of the business before them. The Court after expressing their intentions respecting the restoration of the Village Police never once speak of the Zillah Judge as Magistrate; wherever the term is used it is constantly applied to the Collector alone.

Para 84—They call the serious attention of Government to the necessity of re-establishing the Village Police agreeably to the usage of the country and of placing it under the orders and control of the *Magistrate*.

Para 85—They notice the services which will be rendered to the Magistrates by this Police Agency, and that no doubt may remain who the *Magistrate* is, and

Para 88, 89 & 90—under whom this Police Agency is to be employed, they say that the Superintendence of the Police is to be transferred to the Collector,

Para 95—and in a subsequent paragraph that to the Collector they “purpose to transfer the duties of Magistrates.” But nothing can be more conclusive as to the intention of Court to transfer the whole power of Magistrate to the Collector, than the paragraph (para 103) in which they suggest that the Zillah Judges should be authorized to hold quarterly Sessions for the trial of Criminal offences. Their words are “to hear and determine all cases of public offence not of a capital nature, and now cognizable by the Courts of Circuit only, which might be *brought before them by the Collector in his Magisterial Capacity.*” If it had been the design of the Court that the Zillah Judge should retain his Magisterial authority, who [why?] distinctly specify that the offenders were to be brought before him by the Collector in his Magisterial capacity, since he might as Magistrate bring them forward himself. But it surely will not be admitted, that the Court could ever have meant, that the Zillah Judge, as Magistrate, should again try offenders committed for trial by himself. (Para 102) The Court proposes to give Collectors “as the Magistrates of Zillahs” authority to fine to the amount of 100 Rupees and to imprison for three months authority beyond that which the Zillah Judges under Section VIII & IX Regulation VI 1802 now possess. It never could have been in the contemplation of the Court that the Office of Magistrate was to remain with the Zillah Judge, for in this case it cannot be as Superintendent of the Police powers superior to those of Zillah Judge as Magistrate. That the Court looked to the Collector only as Magistrate is further confirmed by

their investing him with the authority of enforcing the Pottah Regulation and (Paras 106—107) taking cognizance of all breaches (Para 109) of it and the sole power of distraining for rent and determining Boundary disputes. These obviously belong to the Jurisdiction not of the mere Police Officer but of the Magistrate. The additional powers which are here proposed to be given to the Collector as well as those already quoted from Para 102 of the Court's letter, shew plainly that it was their intention not only that Collector should be Magistrate, but Magistrate with augmented authority.

14. For all the reasons which have been adduced, we are fully convinced that it is expedient that the office of Magistrate should be completely transferred to the Collector, that this transfer is conformable to the instructions of the Court of Directors, and that it would as they observe "very much conduce to the more prompt and convenient administration of criminal justice."

15. With regard to the powers of punishment proposed to be vested in Collectors by the 102nd paragraph of the Honourable Court's letter, we are of opinion that they ought to be given to him whether he is constituted Magistrate or merely Superintendent of Police, for though as Head of the Police, he can very rarely have occasion to exercise them to their full extent, it may yet sometimes be necessary particularly in cases of disputed boundaries.

16. The Commission conceive that associating the Collector with the Zillah Judge at quarterly sessions as proposed in the 102nd paragraph of the Honourable

Court's letter would be attended with too many inconveniences to render it a measure fit for adoption. They think that the Judge and the Collector ought to be kept apart as much as possible because the presence of the Collector could be of no use in a court where he would necessarily be subordinate to the Judge and where the differences of opinion which too often arise out of the nature of their respective duties will most probably be increased, and because the Collector ought at all times to be at liberty to go to any part of his division where his presence is most required, and because he ought not to sit in judgment on offenders whom he has already himself committed as Magistrate or Superintendent of the Police.

17. The Commission entertain some doubt as to the expediency of the establishment of the Zillah Quarterly Sessions at all, for they believe that they will impede civil, more than they will advance the criminal business of the Courts and they apprehend that the chief motive of the Court of Directors in proposing this institution was the idea that the Circuit Judges were unable to get through their business within the prescribed period, an objection which does not now appear to exist, for since the enactment of the Regulation I of 1811 for providing a quarterly jail delivery in the Zillahs of Masulipatam, Chittoor, Trichinopoly and North Malabar, the Circuits have always been completed by the Circuit Judges within six months the time limited.

18. The Commission will submit through the Sudder Adawlut the Draft of Regulation for the settlement of boundary disputes by the Collector.

19. The minds of the Commission are so deeply impressed with the difficulties which occurred to the late Police Committee in the prosecution of their enquiries, that they can have no hope of being able to add anything to the information already collected by them. If anything can be added it can be done only by investigations upon the spot. These investigations are always most easily conducted through the local officers, and the Commission will therefore follow that course, as far as it can be done with effect. But when it is found that the information wanted cannot be got from the local officers, the Commission must, like the Collectors or Magistrates in similar circumstances, have recourse to such of the Inhabitants as are most likely to be able to furnish it.

20. It is essential to the success of every investigation of this sort that the Commission should at all times have a free intercourse with the Inhabitants. Both in their communications with them and on all other occasions, the Commission need hardly observe that they will conform to the established system of internal administration and that they will endeavour to strengthen and uphold the legitimate influence of all the constituted authorities of the Government. But they at the same time respectfully suggest that by far the shortest and most efficacious way of preventing the minds of the people from being unsettled with regard to the permanency of the present system would be to publish with as little delay as possible all the Regulations, required under the proposed changes which most immediately affect any considerable body of the people and to circulate them so as to reach the Districts as soon as the Commission.

This by shewing at once to the people the whole extent of the proposed change would satisfy them that no material innovation was meditated in the existing system and would remove every doubt regarding its permanency and it would also enable the Commission to convince them that the modifications introduced were not intended to weaken or destroy but to strengthen and improve it by bringing its advantages nearer to them.

21. The Regulations to which the Commission allude as those which will most directly concern the interests of the people are the following six, *viz.*,

- 1st. A Regulation for the establishment of Village Courts.
- 2nd. For the establishment of District Courts.
- 3rd. For placing the Village Police under the heads of Villages.
- 4th. For transferring the Police of Zillahs to the Collectors.
- 5th. For placing the control of distraint and the enforcement of the Pottah Regulations in the hands of the Collector.
- 6th. For the settlement of boundary disputes by the Collector.

22. The Commission has already thoroughly urged the necessity of issuing first three of these Regulations without waiting for any further enquiry regarding the number and allowances of the Potails and Taliaries, and their competency, or willingness to discharge the duties

assigned to them. It is evident from the difficulties which the late Police Committee experienced in procuring information on those matters, that were the Regulations to be kept back until they should have been accurately ascertained, the time allotted for the duration of the Commission would have elapsed long before the Regulations could be published. The Commission therefore feel it their duty to recommend that the Regulations be issued without delay, and that the information required on such points as the Government after this explanation may still deem indispensable be made the subject of future investigation.

23. The Commission have in the course of this letter stated it to be their firm belief that it is expedient that the whole duties of the Magistrate should be transferred to the Collector, and that the powers of punishment proposed to be vested in Collectors by the 102nd paragraph of the Honorable Court's letter should be granted, whether they act as Magistrates or as Superintendents of Police only. They have given their reasons for thinking it inadvisable that the Collector should be associated with the Judge at quarterly Sessions and they have ventured to express a doubt of the expediency of such Sessions being held by the Zillah Judge. They have delivered their opinions freely but they trust respectfully and they submit them with deference to the consideration of Government.

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#### **4. The Appointment of Village Munsiffs and Panchayats.**

Fort St. George, Judicial Consultations,

*19th August 1815.*

32. In framing the regulations we have endeavoured to adopt them as far as possible to the manners and the institutions of the people for whose use they are intended and as among themselves the distribution of justice was accompanied with little form and no expense, we have endeavoured to render the village Munsiff efficient by simplifying his duties, by dispensing with writing wherever it could be done, by making all his summons verbal and by giving him sufficient power to maintain his authority. We have exempted all village trials whether by the Munsiff or Panchayat from every kind of expense and also all District trials from every charge excepting the institution fee to the Munsiff and Batta to the Panchayat and witnesses, and we have adhered to the custom of the country in not requiring an oath from the members of the Panchayat, in allowing the number of members to vary according to convenience and by not fettering them with any rules respecting adjournment ; any attempt to restrain the Panchayats, by Rules unknown to their ancient forms, would render them unpopular. If in their present form they are found to answer the purpose for which they are intended, alteration is unnecessary. If on experience they appear defective, they can be improved by degrees hereafter. All regulations should in the beginning conform as nearly as possible to the existing customs of the country and be changed progressively with those

customs. Though justice is everywhere the same the mode of dispensing it differs in all countries and that which is acceptable under one state of society may be quite the reverse under another. We should therefore give the natives, Village and District Courts suited rather to the present state of society among them, than to our ideas of what such courts ought to be and leave them at liberty to follow their own choice in seeking redress either from these simple tribunals or from our regular courts. The natives themselves are the best judges of what is suited to their present condition and the experience of a very few years will determine whether they prefer courts founded on their own institutions or on those of Europe. Among so great a body of men as forty or fifty thousand Heads of villages we must expect that many will be unfit for the office of Munsiff as far as regards deciding suits upon their own judgment, but this will occasion no serious inconvenience, because where the head of a village is unfit, the party will apply for a Punchayat which he can always assemble rather than trust to his decision, or the heads of some of the adjoining villages may be well qualified for the office of Munsiff and the inhabitants who have suits to adjust will apply to them. We must also expect that many will err in point of form, many in point of judgment, and that many will pass unjust decisions. But with all these objections we are persuaded that through the agency of Munsiffs and Punchayats a greater mass of essential justice will be distributed to the people than could be done through any other means. But we ought not to regard these institutions merely in the narrow view of their utility in settling

causes but of their influence in improving the character of the people and attaching them to the Government under which they live. Nothing surely can tend more strongly to raise men in their own estimation and to make them act up to it, than their being thought worthy of being interested with the distribution of justice to their countrymen and no motives can be more powerful in attaching a body of men to a Government than the consciousness that they are not neglected by it, that confidence is placed in them and that though in a subordinate capacity they form a material part of its internal administration.

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## 5. Disarming the People.

Fort St. George, Judicial Consultations.

*19th August 1815.*

40. The frequency of these incursions has it appears from the report of the Magistrate been increased in Sondah by the disarming of the inhabitants. In almost every plan for the improvement of the Police which has been brought forward during the last fifteen years the disarming of the inhabitants has formed an essential article. It may often be extremely advisable on reducing to subjection the Districts of turbulent Polligars to remove all Military Stores and to disarm the principal retainers of the chief, but it is neither desirable nor safe to disarm generally the inhabitants of our territories. The peaccable give their arms up. The dangerous retain and conceal them to be used when an opportunity offers. While the Native Governments and the States of Society in India are such as they now are, no unarmed country surrounded by armed neighbours can enjoy any repose. No Police however numerous could under such circumstances afford security to the population. Robberies would increase everywhere in the interior, and the banditti beyond the frontier would be tempted to make frequent and distant incursions into a country where they would find the inhabitants an unresisting prey. The perpetration of such outrages is restrained at present principally by its being known that the people of our frontier Districts have arms and that they will defend themselves. There is not the smallest danger that the Inhabitants will employ their arms except against the disturbers of the peace. But it is in time of war that

the evil consequences of disarming the country would be most extensively felt. When an invasion occurs the inhabitants are accustomed to seek refuge in the fortified villages where they are able to defend themselves against all predatory Detachments and to make terms when the main army comes up. But were they disarmed the villages would be taken without resistance, plundered and burned, the richer inhabitants would be carried off or tortured to make them discover where their wealth was concealed not only by marauding Detachments, but by parties of banditti belonging to no army. As we think that the inhabitants ought to be armed we have made no provision for supplying the Police peons with arms. They must bring their own arms and take care of themselves by which Government will be saved from an useless expense.

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## 6. The Status and Allowances of Patels.

Fort St. George, Judicial Consultations,

*16th October 1816.*

51. It appears from the statement that the allowances of Potails are extremely unequal in different collectorates that in some they are chiefly in money in others in land and that in some there are none. It is usual however where these allowances in particular villages have been either done away or are much below the usual rate of the District to which they belong for the Potails to obtain a compensation by holding their lands at a more favourable rent than the ordinary standard. This is probably the case in Malabar. In some Districts where there are no Potail allowances the person who acts as Head of village is remunerated for his service by a voluntary contribution among the Rayets or Mirasidars. This we imagine will be found to be the practice in some of the Southern Districts and probably in Tanjore. It does not therefore follow that the Potails have no official allowances because they are not shewn in the accounts, or that it is necessary in such instances to make any new grant under this Head. Wherever it has long been customary to pay the Potails either by a reduced rent or by a construction [inclusion ?] among the Mirasidars, it may be assumed as a certainty that the circumstance has entered into the calculations both of Government and of the inhabitants and that the assessment has in consequence been so much the lower. The amount ought therefore to be considered as a fund allotted to the maintenance of the Heads of Villages.

52. In some Districts Village Mauniyams formerly enjoyed by the Head of the Village have been resumed and in lieu of them an allowance granted of  $2\frac{1}{4}$  per cent upon the Land Revenue. In some few cases this money allowance is more than the produce of the land resumed but in general it is not a half, even a third, of it. An arrangement of this kind might be proper where the object is to raise inadequate allowances to a higher level by a general standard, but where it is to commute an allowance in land for a very inferior one in money, it is destructive of the rights of property and is injurious to the public service by lowering the character of the Potail. The Potail ought to be raised rather than to be depressed and there is no better way of accomplishing it than by giving land in place of a money allowance. Land gives him a greater interest in the village, makes him more respectable among the Inhabitants, and is more likely to secure his attachment to the Government of whom he holds it. There is no link but him between the Government and the cultivators and unless he is upheld, there can be no class of permanent respectable land-holders, for the operation of the Hindoo Law in dividing land among all the sons and of the Judicial code in selling it for arrears must gradually break down into minute portions every estate which is not guarded by entail of official tenure.

53. The more intelligent Potails may often be usefully consulted regarding the resources of the country and with the same view it is to be wished that the District Potails had still been suffered to remain enjoying their lands and fees, but divested of all military

followers and undue authority. Had both these classes been continued, they would gradually have acquired confidence in our Government, when they saw that whatever happened to other estates their own remained entire. Their situation would have made them more intimately acquainted than any other men with the state of the country. They would have had no interest in concealing the truth and among them a few would have always been found capable of forming just opinions on the internal administration of the country and not afraid of delivering them. In all our enquiries respecting the condition of the inhabitants we are at present obliged to depend chiefly on the Revenue Servants who though in general sufficiently intelligent cannot be supposed to have so much knowledge of the subject as the Head Rayets and Mirasidars, or on the Heads of Villages, Zamindars and Mirasidars who are commonly deterred from stating their real sentiments from the apprehension that the sole end of all our investigations is to impose additional burthens upon them.

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## 7. Prohibition of Lawyers in the Courts.

Fort St. George, Judicial Consultations, No. 1,

*15th April 1817.*

5. In excluding Regular Wakeels from the District Munsiff's court the Regulation has followed the principle noticed in our report of the 15th July 1815, that they should be excluded from all courts of native jurisdiction. The Judge observes that "every merchant has not a servant or relative in whose ability he can place confidence". If he has not, he will attend himself. The instances will be rare in which he can neither send such a confidential agent nor attend himself. The Judge also remarks that the classes entirely illiterate to which may be added the fatherless and widow and the aged who cannot travel have very little capacity to plead in person. It does not seem necessary that all these persons should retain able pleaders. The greater proportion of them will probably get their suits settled in their own villages and should some of them have recourse to the District Munsiff's Court and employ as their Wakeels, instead of attending in person, relatives not endowed with greater capacity than that which has fallen to their own lot; it can only be ascertained by experience whether this circumstance will or will not produce greater inconvenience than that which arises from the employment of professional Wakeels.

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## 8. The Composition of a Panchayat.

Fort St. George, Judicial Consultations, No. 1.

12. The Judge in remarking upon clause Fourth section III Regulation V 1816 which provides that when the parties are of different castes or professions, the Panchayat should be composed of an equal number of the caste or profession of each, observes that, if the Plaintiff were a chuckler and the defendant a brahmin there should be two chucklers and two brahmins on the Panchayat, and as the Brahmins would not sit with the Chucklers as the whole law stands, it were scarcely possible to form a Panchayat under it. The Judge's reasoning seems to be founded upon the belief that the Chuckler and Parias are included in the four castes into which the Hindus are divided. But they do not belong to either of them. They are usually called the fifth caste. They are regarded as unclean and unfit to sit with any of the others so that, when any individual of the fifth caste has a claim against a person belonging to any of the Hindoo castes, it might by the usage of the country be decided by a Panchayat chosen from among the four castes. No person belonging to the fifth caste can be a member of it. When therefore a Chuckler brings a suit against a Brahmin, the Panchayat will be composed of Brahmins and other castes of Hindoos, but if he objects to the Brahmins, it will be chosen from the remaining Hindoo castes. It was deemed unnecessary to prescribe by regulation that Chucklers and Parias should not be, what no Regulation could possibly make them, eligible as members of Panchayats.

## 9. The Popularity of Patel even in Southern Provinces.

Fort St. George, Judicial Consultations, No. 1.

*24th June 1817.*

44. It may be observed with regard to the Southern Provinces that though the term Potial is never used and is little known among them, yet they always had heads of villages who were in fact under a variety of denominations the same as Potails and performed the same duties. These denominations as has been already mentioned are Prowurtak Nattamkar or Nattar, Ambulgar, Gour. The Prowurtak is applied only to Brahmins. The Nattamkar both to Brahmins and Rayets, and the Ambulgar and Gour only to Rayets. These terms are universally understood in the Southern Provinces and under one or other of them there is not a native south of the Cauvery who does not describe the head of his village. In Tanjore the Nattamkar has by us been of late years confounded with the common landholder or Mirasidar. In Trichinopoly he is now called by us Pottahdar or Pottah holder because, he gets the Pottah for his village but among the inhabitants he is always called by the old name. In Coimbatore the term Monigar which was before confined to a few Polligar Districts has under the Company's Government been extended to the whole Province, all fees have been resumed, and the heads of Villages are paid a fixed allowance in money and they have thus been converted in fact as well as in name from Gours or Potails into Monigars, for by Monigars is usually understood not a head inhabitant of the Village but a Revenue servant paid in money

and dismissed at pleasure. Much confusion arises from this arbitrary adoption of new terms. We gradually lose sight of the nature of the office which was sufficiently marked by the old ones and we then seek for it in the new ones to which it is entirely foreign. In order to obviate this inconvenience it might be advisable to use in the Provincial records of the Collectors the term by which the heads of village have been most commonly designated by the natives of their respective Collectorate.

45. The efficiency of the Village system has undoubtedly been considerably diminished under the Company's Government. In all the changes to which the country was subjected at different periods by conquest among the Natives the main points of the system were still preserved. The immediate management of the Village was still left to its Potal or headman sometimes with more sometimes with less authority, in some cases holding his office during his pleasure, but more frequently as an inheritance. We have almost everywhere reduced his authority. We have in some Districts by constant removals rendered the office more a temporary appointment and less an inheritance than before. We have in others resumed his fees and low rent and Monyem lands and put a stop to the voluntary assessments among the Rayets and to the remission in his own rent or in that of the Village which were usually granted where he has no Monyem. We have it is true in some cases given him a money allowance greater nominally than the amount of his old Monyem, but less in reality because land has been

assigned to him in lieu of the money which is either waste or does not yield the equivalent.

48. In the course of my circuit, I have every where endeavoured to ascertain how far the new system was agreeable or otherwise to the inhabitants. From the constant and extensive communication I have had with them I am convinced that there is not one in a thousand and perhaps scarcely a man in the country who is not pleased with the change. All classes expressed their satisfaction at being relieved from the Police and the exactions of its officers, in some Districts they spoke of it as a system of organised oppression, and at the modifications in the Judicial system by which they are enabled in so many instances where they wish it to have their suits settled in their own Village or Districts instead of being obliged to consume their time in attendance at the Zillah Court.

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## 10. Success of the Experiment of Appointing District Munsiffs.

Fort St. George, Judicial Consultations, No. 1,

*8th December 1818.*

12. The District Munsiffs are in general well qualified to discharge duties. Many of them have served in the Judicial and Revenue Departments before their appointment and are men of business. Their knowledge and their skill and activity animated by self interest enables them to decide a greater number of suits within a very short period; as their several courts are not at any great distance from any part of the Villages under their jurisdiction and as the inhabitants know that their suits will be settled in them with as much expedition as possible, they resort to them in crowd; the great mass of the litigation of the country cannot be in better hands. The petty suits originating in agricultural concerns and other local matters among Rayets might be more conveniently settled in the village, but almost all other suits may with advantage be carried before the District Munsiffs, their decisions are not only quick, but are likewise probably for the most part just, as may be inferred from the small number of appeals against them. As long as they continue to discharge their duty faithfully the greater part of the business of the civil justice of the country will continue in their courts. There is little danger of any material falling off among them, as long as the present system continues. The existence of the other tribunals will be great check upon them, for whenever they become notoriously negligent or corrupt, the

inhabitants will according to the nature of the suits resort to the Village Munsiff and Panchayats or to the Zillah Court. The District Munsiffs will therefore be restrained from neglecting their duty, not only by the fear of losing a great portion of their fees, but of being suspended from office by the Zillah Court. That Court though it now decides fewer small causes than formerly makes ample amends for the deficiency by the beneficial influence which it has in obliging the District Munsiffs by whom they can be settled with much more convenience to the parties to discharge their duties properly.

21. No very great diminution of expence can be expected while the present number of Zillah Courts remains. The pay of the native servants is so low that the disposal of a few would hardly make any perceptible difference in the general expence. The dismissal of any great number would injure the efficiency of the different departments from which they were taken and would still produce no material saving. The European is the expensive part of the Judicial Establishment and is the only one by whose modification the amount of the charges can be considerably diminished. However much the business before the Zillah Courts may be diminished, a certain proportion of those courts will always be indispensably necessary though unquestionably not the same number as at present. If not a single original suit were to come before them, they would still be of the most essential use to the country as courts of appeal and Criminal Courts and still more perhaps by the salutary check which they would maintain over the District and Village Moonsifs by which they would

compell them to perform properly subordinate judicial duties which can by no other agents be so conveniently discharged.

27. In every department whatever can be best done by Native servants should be entrusted to them. The business of the European officer should principally be to control and direct properly the labours of the Natives under him. In order to enable him to employ his time in the way most useful to the public service, he should be exempted from the necessity of devoting any part of it to the observance of useless forms or to the furnishing of useless Records. These remarks are as applicable to the Collector as to the Magistrate, and we have no hesitation in saying that the Collector ought not to be required to furnish a document so utterly useless as a Diary which must every day occupy a considerable portion of time, which no person who understands revenue affairs would ever consult for information, and which we believe has never led to the detection of abuses, even in those Districts where they have been greatest.

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## 11. Addition to the Salaries of Officials at the Presidency.

(Revenue)

*31st October 1820.*

As Mr. Hult has been called to the Presidency to supply the place of one of the Deputy Secretaries of the Board of Revenue, who has been obliged by bad health to proceed to the Cape of Good Hope, and as I think that, an Officer when removed from one station to another for the convenience of the public service, ought not suffer any diminution of allowances, I propose to the Board, that Mr. Hult be authorized to draw as Deputy Secretary of the Board of Revenue the same allowances which he drew as Register of the Provincial Court at Chittoor. The resolutions of Government under date the 8th August last for giving effect to the orders of the Honorable Court of Directors respecting the necessity of their servants being qualified by a practical knowledge of Revenue for certain Offices, the sending away in consequence the younger servants from Madras to the Provinces, and the time which must unavoidably be occupied in their learning their duty well hereafter render it much more difficult than in former times to find young men at Madras to act as Deputies and Assistants in the Public Offices, and it is possible that it may become expedient to make an addition to the salary of some of these situations in order to induce men employed in Provinces to accept of them. But the Board will be able to form a better judgment on this subject after a longer trial of the

present system, and I do not therefore wish just now to recommend any permanent increase but merely that Mr. Hult while he acts as Deputy Secretary to Board of Revenue shall receive the same allowances as he drew as Provincial Register.

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## 12. Civil servants under suspension.

(Judicial)

*Undated; bet. Oct. 1820 and Jan. 1821.*

It has I believe been the prevailing custom of the service that when a civil servant is removed from the Office pending an enquiry into his conduct, he ceases to draw the allowances of that Office, and that if in consequence of the enquiry he should be suspended from the service until the pleasure of the Honorable Court of Directors be known he ceases to draw his remaining allowances of a servant out of employ. The custom is founded on reason for it is right that a man who has neglected or violated his trust should suffer for his conduct.

There are however circumstances connected with the peculiar situation of the Civil servants in the country which seem to render some mitigation of this rule of punishment advisable. In the early part of the Company's Government it did not operate with the same severity as now. At that time men rose in a few years to Offices of great trust and emolument. If any one was charged with misconduct, the trial was summary; a few weeks were sufficient to enable Government to come to a decision and if the accused person were suspended he had usually the means of going home, and was not too old to engage in some other line of life if not restored to the service. But now promotion is much slower, a civil servant has generally reached the middle terms of life before he obtains any office of emolument. If he is tried for misconduct according to the Judicial Regu-

lations, the proceedings of the trial and those which must previously take place in order to ascertain whether a trial be necessary, will usually make it twelve or eighteen months before Government can give its decision, and if the accused be suspended he will probably after this long and anxious delay be without the means of paying for his passage to Europe. In this situation, he can only be relieved by the charitable aid of friends. If he has none who find it convenient to assist him, it is to be feared that he will some time have recourse to sottishness in order to forget his misfortunes, or to unworthy means of obtaining money and that he will finish by being thrown into Jail.

In this Country when so much of our influence depends upon the high character of our Civil servants, it is most important, I think, that every thing should be avoided which can tend to expose them to disgrace or contempt in the eyes of the Natives, and that, however just their punishment may be, it is highly expedient that it should not be permitted to produce this consequence.

There is no danger that the punishment should become less efficacious as an example, by remitting that part which serves no other purpose than to lower the character of the Civil service, namely, the stoppages of all allowances and of the means of subsistence; suspension from the Company's service after a trial probably both long and harassing is of itself, without any aggravating circumstances, sufficiently severe both for the punishment of the individual himself and for the warning of others.

We ought therefore, I think, to submit to the Honourable the Court of Directors the expediency of granting some allowance to such of their servants as may be suspended from the service of the Company until they can be sent home. From the date of removal from Office to that of suspension from the service the rate of allowance might vary, but ought never to exceed one half of the amount of their Official allowance, from the date of suspension to that of embarkation for Europe, it might be limited to that of a Civil servant out of Employ.

Mr. Ellis has solicited the aid of Government to enable him to return to England, upon the grounds on which I have already recommended a provision being made for all persons in his situation; I propose that the sum of Two thousand Pagodas be granted to enable him to pay his passage and other urgent demands and proceed to Europe. Government has already to pay him the allowance of a servant out of Employ, and as from the great length of the papers connected with his case the decision of the Honorable Court upon it can hardly be expected to arrive in less than two years, his receipts will in that time have amounted to the sum proposed. By making the advance therefore, no additional expence will be incurred and the advantage will be obtained of removing him at an early period from this Country, which on such occasions is always very desirable.

Cases of suspension occur but seldom and they can never by the grant of the allowances proposed involve any extra expence. On the contrary, the sum of allowances paid to the different individuals employed in

consequence of the suspension, will always be less than what would have been paid had no suspension taken place. The saving to the public by Mr. Ellis's suspension even after granting him Two thousand Pagodas will be about Rupees 11,253. But even if there were no saving in such cases, I would deem it my duty to recommend a temporary provision for suspended servants as a measure calculated to maintain the respect of the Natives for the Civil servants, which contributes so much to facilitate the good Government of the Country.

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### 13. The Establishment of the Collector of Bellary.

(Revenue)

*9th March 1821.*

The Board of Revenue in the letter of the 12th February have recommended for sanction the revised and reduced Establishment of the Collector and Magistrate of Bellary. There can be no objection to authorizing them for the present. The Revenue charges are sufficiently low and in the case of two important classes of servants *Viz.*, Huzoor Moonshees and Treasurers. They are perhaps somewhat lower than they ought to be with a due regard to efficiency. But there is one part of the Establishment which ought to be reduced as soon as possible. The new Asham peons were raised during the late Mahratta war and ought to be disbanded by the end of the next month. The Collector has mistaken the purpose for which the men were originally entertained. They are not Police Officers but irregular Troops, the same as are found in the armies of all the native Powers. They were retained in the Ceded Districts to garrison a number of small forts which it was thought necessary to occupy for a few years to act against refractory Pollegars and Banditti too strong for Civil authority and to escort treasure but not to act as Police servants for the duties of which they are as qualified as one of our own regular sepoys. The Village watchmen and the Revenue peons of the Districts who are acquainted with the inhabitants are the proper Police servants and all that are necessary unless when the Robbers are too strong for them which is rarely the case in peaceable time. But Mr. Campbell fears that the Talook servants and Heads of Villages

will combine to harbour offenders and in order to prevent it he has relieved the Sirdar and Jemadar of each Company of Asham from the immediate control of Tahsildar and directed them to take constant Circuit of that part of the Country in which these peons are stationed and to report to himself direct all cases in which the peons or heads of Villages may conceal crimes or neglect to apprehend offenders. This is entirely at variance with the Police Regulation ; it is in fact a restoration of the Darogah system which was one of the main objects of that Regulation to abolish. The Sirdar and Jemadar will be what the Darogah formerly were. They will discover no offenders who would not have discovered without them but they will sometimes from corrupt motives endeavour to screen them. They will seek for offences where there are none, threaten the inhabitants of villages with accusations and extort money as the condition of not dragging them before the Magistrate and they will weaken the authority both of the heads of the Villages and of the Tahsildars, the Public Officers most interested in the good order of the Country and on whom alone we can with any safety depend for its preservation.

The plans of Mr. Campbell are those of a man of little experience but full of zeal and active qualities which may hereafter be highly useful to the Public service but which if allowed to continue in the direction which they had taken would be extremely detrimental to it. His activity in the present occasion is not that which promoted attainment of any useful end but that which without any fit cause sets everything in stir and commo-

tion, puts every public servant out of his proper place and disgusts them all.

He lays much stress on the numerous petty thefts and offences of the Camp followers at Gootty and Bellary but as more than double the number of Troops and followers now at these stations, have usually been there during greater part of the last twenty years without any serious inconvenience, either to the Collector or Magistrate, I doubt whether the armies of the Police which he proposes can be necessary ; should the Board of Revenue be of opinion that they are, these armies must be entirely under the Tahsildar. There must be but one authority in a District, authority to be efficient must be single, and the Collector will best uphold his own by maintaining that of his Tahsildars. The Board of Revenue should be instructed to direct Mr. Campbell to dismiss the new Asham Peons by the end of the current official year by which a saving will be effected of nearly 40,000 Rupees per annum.

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## 14. The Old and New Police Systems.

(Judicial)

*27th April 1821.*

In the proceedings under date the 19th of March of the Sudder Fouzdaree Udalet on the last report of the second Judge on Circuit of the Southern Division there are some observations on the employment of Police Officers in a manner contrary to Law, and some suggestions concerning the improvement of the Police Regulations which demanded the attention of the Board.

I concur in the opinion given by the Sudder Udalet that under the existing Regulations the authority of the Ameens of Police of great Towns is confined to the limit of such Towns. That the Regulations do not authorize the appointment of Police Ameens as in Tanjore to Districts in which there is a Tahsildar, because the Tahsildar is himself by Law the Head Police Officer of the District and that when the Ameen of Police is detached from the Town to which he is appointed he cannot exercise the functions of a Head Police Officer. But I do not agree with the Sudder Udalet in thinking that a Police Ameen is not intended to be employed as a Revenue Officer. There is nothing in the Regulation against his acting as such; on the contrary the whole spirit of the Regulations is in favour of it; for it is expressly stated in different sections that Police and Revenue are without distinction. It is also stated that the Police Ameen is appointed merely because the Head of the Village is unequal to the duty, but it does not follow that because the Ameen is to take charge of

the Police of the Town he is not also to take any charge of the Revenue, I think that he may either have a Revenue Charge or not, at the discretion of the Collector.

The second Judge on Circuit endeavours throughout his report to show that whenever the Police is inefficient it is to be ascribed to the changes made in 1816. He observes that a considerable improvement has of late taken place in the Police of Salem in consequence of a partial recurrence to the former system of the separation of Revenue and Police, and the conducting of the duties of separate Offices immediately under the Magistrate. The essential difference however between the present system of Police and that introduced in 1802 does not lie, as supposed by the second Judge, in the direction of the duties of Revenue and Police being committed to the same or to different persons, but to the control of the Police being transferred from a stationary Zillah Magistrate without any means of acquiring information of the state of the District except through an Establishment of Darogahs, strangers to the Country and whom nobody obeyed without compulsion to the Collector as Magistrate having the most ample means of information and having at his command the willing services of all the village servants and the co-operation of all the inhabitants. The system of 1802 was obnoxious to the people because it placed them under the authority of Darogahs, men who had no interest in the welfare of country and who from the smallness of their pay were generally persons of no respectability. The present system is acceptable to the inhabitants

because it is their ancient one and leaves the Heads of Villages and the Village servant under the authority not of two masters but of one only, namely, the Tahsildar whom they have always been accustomed to obey.

It must be admitted that where all other circumstances are equal a person devoting his whole time to one employment is likely to execute it better than a person who has other duties to perform and that a Darogah must therefore be better qualified than a Tahsildar to manage the Police of a District where such equality of circumstances prevails. But as it prevails nowhere, as the Darogah has only the single advantage of being confined to one object and as the Tahsildar has every other in his favour which can arise from the state of society and from ancient local institutions, he is able with much less labour and even with much less ability to superintend the Police of the District successfully than the Darogah.

A Darogah when stationed in a District with his small guard of Peons posted at different places for its protection has no means of knowing the state of the country, because neither he nor they have any natural authority or influence in it, he does not know when enemies are likely to be committed nor can he remove any of the causes which frequently give rise to crimes and disorders. He can do nothing in the prevention of Offences but when they have been committed he is ready with his peons to devote his whole time to the apprehension of the offenders; but this is but a very small part of the duties of Police. The mere business of pursuit and apprehension after the alarm has been given is easy

and is not worth the expence of a separate establishment. But this is all that the Darogah can do, the discovery itself is never made by him or his peons, but is made and brought to them by the hereditary village watchers and other servants and it is only then that they begin to act. The public resources do not permit us to give a liberal allowance to Darogahs, no person therefore accepts of the office unless he is either of a low class in society or intends to find some other means of subsistence besides his pay. The Darogah has no respect in the country and he usually seeks to keep up his consequence by terror and to increase his income by fomenting disputes in families, by alarming them with threats of making disclosures against their women, by exacting money for concealment and by every kind of vexation as in Canara and Coimbatore. The Darogah system is so essentially bad that no talents on the part of the Magistrate can render it good. It is a system which I believe has never been attempted to be established in any country but this, and which certainly never can be anywhere successful. An Officer of Criminal Police who has no other occupation and whose sole maintenance consists in the low salary which he receives for his work is usually considered as nothing more than a thief catcher, who may be sometimes useful but very seldom a respectable member of the Community; such a person can never be placed at the Head of the Police of a District, subject to no control but that of a Magistrate fifty or a hundred miles distant, without exciting disgust and contempt. The country Magistrates of England are respected because they are unpaid and

are men of character and property in their several Districts. But what would be the consequence if their duties were transferred to a low stipending Police Officer and if they were themselves placed under the control of a Darogah or Constable? Such an order of things however would not be more repugnant to the feelings of the people of England than it is to those of the inhabitants of this Country.

The Darogah system has nothing to recommend it; had it a claim of Posts from the Kistnah to Cape Comorin, it would not prevent a single crime; instead of acting quietly and unseen it is always in the highway full of hurry and bustle. It has no hold upon the prejudices or attachments of the people; it is strong and active only to vex and injure, but weak and inefficient to protect.

We have not in India any class corresponding with the country Gentlemen of England to undertake the duties of Police, but we have instead of them the Heads of Villages and the Tahsildars of the District the most respectable men in the country who have been instructed with these duties in all ages to discharge them still. The Tahsildar has in this respect advantages which no other person can possibly possess. He is the Head of the District whom all the inhabitants have always been accustomed to obey and to apply to for redress in all their difficulties. The Heads of Villages and all the village servants regard him as the Officer under whom they and their ancestors have always acted and they execute his orders with cheerfulness and alacrity in all matters whether of Revenue or Police. The influence of the Tahsildar is not confined to the authority derived

from his official situation, but is greatly increased by the many opportunities which he enjoys of conferring benefits on the people under him and in this respect he has much the advantages of the country Magistrates of England. He has it in his power to obtain a remission of rent for all who have suffered from unfavourable seasons or other causes. He can not only relieve poor cultivators by a remission of rent but assist them by an advance for cultivation. He can by recommending the construction or repair of Tanks and wells and other useful works contribute essentially to the improvement of the country. He also often assists the inhabitants with advice and endeavours to settle their difference amicably. From all these causes he possesses an ascendancy in the District which is of the greatest utility in facilitating the despatch of all Revenue and Police duties and which cannot be divided with any other person without irreparable injury to the public service. I cannot therefore assent to the proposition of the Sudder Fouzdare Udalet for transferring in certain cases the charge of the Police of the District from the Tahsildar to a Darogah. The Tahsildar, being the most respectable public Officer, is on that account the best fitted to be at the Head of the Police. It is not necessary that he should himself undertake management of it when circumstances may render it inconvenient. He might in such cases confide it to a Gumastah either for a longer or shorter period reserving to himself the general Control.

All Revenue servants under the Tahsildar or Officers of Police as well as of Revenue and all Police

servants are to be employed in Revenue or Police as occasion may require. It appears to me that either the Tahsildar or the Collector might, under the Regulation as it now stands, appoint any Gumastah to the immediate charge of the Police of a District, reserving to the Tahsildar his general controul as Head of the Police. But in order to remove all doubt upon the subject I would recommend that a provision to this effect be inserted in the Regulation now preparing.

1. The Magistrate shall be empowered whenever he may deem it necessary from the disturbed state of the country or some other just cause to appoint a subordinate Officer to the charge of the police of any part of a District for a longer or shorter time with or without Revenue authority ; but this subordinate Officer shall in all respect be as entirely under the authority of the Tahsildar as any of his other subordinate Officers.

2. All Peshkars and Gumastahs of Tahsildars or persons exercising similar functions under whatever denomination and in general all subordinate Officers of Tahsildars known by the designation of Aholses Kullum pennem [sic], shall have full authority to take examinations, confessions and depositions.

3. All Ameens of Police as well as all persons employed in the Police under any other denomination shall also perform such Revenue duties as the Collector or Tahsildar may entrust to them.

All Ameens of Police though specially appointed to particular Towns shall have their jurisdiction extended

beyond the limits of such Towns at discretion of the Magistrate. But Ameens of Police both within and without the limits of such Towns shall in all respects be as completely under the authority of the Tahsildar as any of his other subordinate Officers.

It can seldom be necessary for the Collector to place any subordinate Officer in the immediate charge of the Police of any considerable part of a District, but whenever it is done the fact and the cause of it should be reported to Government. It would be better that the person selected for the Office should be recommended by the Tahsildar, but whether he be or not, he should be under his authority. The great advantage of his being so is that the whole Country will readily aid him in the execution of his duty, while if he is not it will rather counteract him and give no aid that it can withhold. A Darogah or Police Officer independent of the Tahsildar is a new office unknown to the people and one which never can command respect and which therefore can never be of any real utility. No Police which is contrary to the feelings of a Country can ever be successful and it would be better to have no District Police at all than one under the management of Darogah.

The second Judge on Circuit urges the separation of Police from all other duties and seems to think that separation is essential to its perfection, but this certainty is not the case in this Country nor does it appear to be thought so even in England, for the author of the Police of the Metropolis recommends that the Constables employed under the select Country Magistrate should

collect the Revenue arising from Licences for the double purpose of making them more respectable and of enabling them the more easily to watch the conduct of all suspicious Licensed Dealers. But this proposed union is what exists everywhere in this Country. The Village watchman and other servants are both Police and Revenue Officers and those practical men who have had the best opportunities of examining the subject have regarded this very union as the circumstance which rendered them much more efficient as a Police than any separate hired Establishment could possibly be. All persons residing within the limits of an Indian Village are either registered by or known to the Village servants; most of them are subject to rent or service of some kind or other and hence are constantly under reserve; the few who are exempted are known from the very circumstances of their exemption because as their title to it rests on their belonging to a privileged class and not being engaged in Trade, it becomes necessary to examine how they came to possession who have no visible means of subsistence; and all who are likely to disturb the peace are known to the Village servants and through them to the Tahsildar or his Deputies. Gang robberies and other heinous offences are usually committed by the followers of Polegars who are protected by their chief or who have been disbanded and are without employment or by Village watchers whose lands are uncultivated from the Village having fallen into decay and who are sometimes in bad seasons joined by a few of the poorer class of cultivators and country labourers, but none of these classes can engage in such criminal transactions without

very soon being suspected or discovered by some of the Village servants. These servants have the best means, of foreseeing and preventing the commission of offences and when committed of discovering the offenders. In ordinary times therefore no other Police is requisite than that of the Village servants properly directed. In Districts liable to be disturbed the Village Police has been occasionally aided by bodies of armed peons but the services of both for the reasons already assigned will always be most efficient when under the control of the Tahsildar according to the ancient usage of the country. It is not necessary that he should personally conduct all the details himself. He may commit this duty when he sees proper to any Deputy in whom he has confidence retaining in his own hands the general control. This will prevent the police from being converted into an engine for the vexation of the country which is the point to which it always tends when formed into a separate establishment under the management of a Darogah who has no interest in the welfare of the inhabitants.

I have recommended that all the subordinate Officers of Tahsildars be authorized to receive confessions from prisoners and to take examinations and depositions and that such documents be admitted as evidence in the same manner as if they had been taken by the Tahsildar himself, because such a measure will greatly facilitate the regular and speedy execution of the duties of Police.

The Gumastah and other subordinate Officers are usually as well qualified as the Tahsildar to take examinations. They are educated in the same manner, trained

in the same profession, and expect in their time to attain the same rank in it ; why should we not therefore avail ourselves of their services as well as of his in such matters ? At present when a crime is committed no one in the District can take a deposition but himself and though he should be thirty or forty miles distant at the time, nothing can be done, till the prisoners and witnesses are carried before him. The consequences of this must be that witnesses are unwilling to come forward and that facts can never be so clearly established as if the enquiry has taken place on the spot and without delay. But as there are always several Gumastahs in a District and some of them probably near the place where the offence was committed the investigation might be made immediately and all the evils of delay obviated. I can see no reason why the performance of this duty should be confined to the Tahsildar, or why when we have a numerous establishment of subordinate servants equally qualified for it, we should not avail ourselves of the advantage of their services.

With regard to the general result to be drawn from the report of the second Judge on Circuit, I should conclude from the facts which he states without implicitly adopting his argument that crime prevails nearly as it has done for some years past and that we are not to expect any sudden improvement in this respect. The accounts however which he gives of the Police in two Zillahs, namely South Arcot and Tinnavelly seem to call for some observations. In speaking of South Arcot he says, "It must be admitted that a scene of the utmost tranquillity seemed to prevail in the vicinity of the route travelled by

the Court of Circuit ,” but that “there is great reason to believe that crime is not less frequently committed than elsewhere though the ends of public justice are in many instances defeated by its being compounded and compromised by the local Officers” etc. In speaking of Tinnavelly he says that “the Police has sunk so low in the estimation of the people that in truth it can scarcely be said to have any existence at all except in name,” and he adds that “Robbers issue forth at night with arms and torches creating consternation and terror wherever they appear and with hatchets break into the houses of such individuals as they suppose to be wealthy ” etc.

The Magistrate of South Arcot should be directed to enquire and report what he can learn respecting the compromises mentioned by the Judge on Circuit ; and the Magistrate of Tinnavelly should be required to report whether the Police be less efficient than in former years, and, if so, the causes of the change and whether the Torchlight robbers are new occurrences in this District, and whether they are common or confined to the hilly and remote parts of it.

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## 15. The Duties of a Public Secretary.

(Public)

*18th. July 1821.*

Mr. Hill has repeatedly brought to my notice that the state of the business in his Office does not admit of his discharging its duties either satisfactorily to himself, or in a way to answer expectations of the Honorable the Court of Directors. It is indeed sufficiently obvious that the great mass of business which comes before us in the Revenue and Judicial Department with the addition of what properly belongs to the Public, Commercial etc., Departments, exceeds the means of any one man to discharge in an adequate manner and that, without relief, the most unremitting assiduity, joined to the best talents and peculiar qualification for the Office, cannot fail to prove unequal to the task.

The business of Mr. Hill's Office was always too much. It has been increasing for some years and will continue to increase by the termination of the Decennial Leases in some Districts, by the partial failure of the permanent settlement, in others by the return to Rayet-war and annual settlements, in most of the Districts by the increase of our Judicial Regulations and by the discussions respecting systems of Judicature Revenue and Police; and when we consider that to all this is added the business of the Secretary in the Public Department, it is obvious that it must be impossible to give to each subject the time which ought to be allotted to it.

In the Judicial Department there are many papers which cannot be despatched as matters of ordinary routine

but require much leisure and consideration, and in the Revenue there are many which besides discussions on the nature of particular settlements contain a variety of Estimates and Settlements which cannot be understood without long and patient attention; such Documents cannot be hastily run over and despatched without great detriment to the public service and I see no other way of ensuring the efficient discharge of the Revenue and Judicial duties than by relieving Mr. Hill from those of the Public Department and placing them under another Secretary. The increase of the expense is the only objection to this measure but it must be borne for the sake of regularity and despatch. The business of the Public Department cannot be conducted by an Assistant under either the Chief or the Revenue and Judicial secretary because the superintending the Assistant would require more time than either of these Officers can spare. It has already been observed that the Revenue and Judicial duties alone furnish ample employment for any one Secretary and the ordinary duties of the Chief Secretary have been increased by the augmentation of the army requiring more of his attention than formerly to the Military correspondence so as to render it impossible for him to conduct the Public Department.

In 1809 the separate Office of Public secretary which had existed from 1801 was abolished and the duties of it were transferred to the Chief Secretary with an additional Assistant. But this arrangement after a short trial was abandoned and in 1811 a Sub-Secretary was appointed for that Department and this last arrangement was in its return relinquished in 1812 for that which now

subsists. I have made several ineffectual attempts to incorporate the Office of the Public Secretary with that of the other secretaries. All concur in evincing the necessity of its being established under a separate Secretary. In 1808 when the public secretaryship was a separate Office the pay was Pagodas Five hundred monthly and of the whole of the secretaries to Government Pagodas Two thousand Five hundred per month, I am unwilling to exceed this sum without authority from the Honorable Court of Directors. I therefore propose that the allowance to the Public Secretary be for the present Pagodas Four hundred per month and that the Honorable Court be solicited to raise it to its former amount of Pogadas Five hundred.

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## 16. Condition of Granting Land or Money as Reward for Services.

(Revenue)

*29th September 1821.*

In all grants by Government whether of land or money there should be no division. The thing granted should go entirely to one heir. By this means we shall maintain many respectable families in the country who will be regarded as Monuments of the Company's bounty and will encourage others to endeavour by equally meritorious services to obtain similar rewards. If instead of this we permit a division of the grant there will after one generation be no respectable heads of families scattered over the country as memorials of the Company's bounty, but a crowd of needy, litigious claimants contending for their several shares of a dismembered property. Whenever Government makes a division of a pension among the members of a family they attempt to do that for which they are not at all qualified. I do not believe that they ever yet made a division which was satisfactory to claimants concerned, and if they could even make such a division it would be productive of the worst effects. It would greatly extend the evil which already exists on the members of large families living in idleness and in great misery on portions of pensions much smaller than the wages of a common labourer, in place of going in quest of employment, which they would if the pension went only to the head of the family. It would keep alive petty intrigues between the different claimants and our native servants whenever a division was to be made and it

would increase the number of these petitions which have of late years occupied so much of the time of Government which ought to have been devoted to more important matters.

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## 17. The State of Chittoor and Salem Districts.

(Revenue)

*23rd November 1821.*

In my late visit to Bangalore I passed through the Collectorates of Chittoor and the Baramahl and had a good deal of communication with the Collectors and several of the natives on the state of both Districts. In Chittoor I found the people in general contented and I received but few complaints. These were chiefly confined to two heads: one was the claim of villages which for various causes had been held at rent much below the usual rate during the lease to a continuance of that indulgence but to which they are not entitled by the customs of the country. The other was the claim of Potails who declined to rent their villages under the Decennial Lease to be restored to the Management of them under the present settlement and which I think cannot without injustice be refused. But in the Baramahl the complaints were so numerous from people of every class that they could only arise from something very defective in local administration, and under this conviction I made such enquiry regarding the mode in which it was conducted as the shortness of my stay permitted.

The principal subjects of complaint were :

1st. The excess of the Tariff valuation of commodities liable to duty above the market rates.

2nd. Excessive fines for neglect or breach of orders.

3rd. Increase of Thieves and Robbers.

4th. Interference of the Police with the Village servants.

5th. The taking of gram<sup>^</sup> fowls and sheep by the Police Officers from the Ryots at a price much below their value but more frequently without any payment whatever.

The principal causes of this disorder are the want of arrangement in the Collector's Cutcherry. The want of authority in the Tahsildars of Districts and the continuance or re-establishment of a Police under Darogahs and Tannadars, and independent of the control of the Tahsildars contrary to the Regulations and the intentions of the Government.

I am satisfied that all the evils complained of by the inhabitants do exist in the Baramahl though they were no doubt in some cases exaggerated and more perhaps with regard to the duties on commodities than to anything else. I found however that the Tariff was in general from 20 to 30 per cent above the Market rates. This is not only injurious to the trade of the country but tends to mislead Government by making it suppose that it is an increase of the custom Revenue when it may be owing solely to higher Tariff.

Some cases of heavy fines were brought to my notice, one of them was very exorbitant but had been remitted after having been kept suspended over the party for some months. Several instances have been stated to me of exorbitant fines in the Judicial and

<sup>^</sup> Gram=Village.

Revenue Departments and for matters of so trivial a nature that had the custom of the country been followed they would either have been passed over altogether or punished by a very light fine. Heavy fines can never be necessary in revenue affairs, for any neglect of official duty the fine should be merely to convey censure and to produce more attention, and it will have this effect in most cases; and where it has not, removal from offices is a better remedy than a heavy fine which is a most unpopular exercise of authority and is always regarded by the natives as oppressive and unjust. A Collector should seldom impose a fine of more than Two or three Rupees upon any of his servants for neglect of duty and it should in no case exceed Ten Rupees without the sanction of the Board of Revenue. The fact of the increase of Thieves and Robbers during the last twenty years is supported not only by the concurring opinion of the Inhabitants but by the Reports of the Magistrates. The causes to which this increase so discreditable to our administration is ascribed by the District Munsiff of Kistnagerry and Tripatore and the most intelligent natives with whom I conversed on the subject are, the disarming of the Country, the difficulty of conviction under the Mahomedan Law, and the want of restraint upon vagabonds having no visible means of livelihood.

From the year 1792 when the Baramahl was ceded to the Company until 1800 during which period it was under the management of Colonel Read, the inhabitants were but little molested by Thieves and Robbers. It might have been expected that as at that time the

Baramahl was bounded on two sides by Mysore and Coimbatore then in the hands of Tippoo where Banditti could easily find a refuge and as those countries are now under our own dominion or influence robberies ought to have been more frequent then than now. But they were certainly not so common, though there was no separate Police Establishment and though the Collector had no other instruments to employ in the apprehension of offenders than the village servants and the ordinary Establishment of Revenue Peons under the Tahsildars. The Collector had however at the time some important advantages which he has not now. There was no divided authority in the District as the whole Revenue and Judicial administration was vested in himself. He was not impeded by the Mahomedan Law of evidence, but could commit to prison or sentence to hard labour any offender of whose guilt he thought the proof was satisfactory, he could confine all vagrants suspected of thieving who could not give a proper account of their means of subsistence and as the Inhabitants were armed he had greater facility than now both in opposing and apprehending Robbers. I see no way so likely to check these disorders as the abolishing of all restrictions on the inhabitants going armed and the authorizing the Magistrates to confine vagrants and other persons who there is reason to believe subsist by thieving. The effect of the prohibition against the use of arms has been to encourage robbery by rendering the inhabitants defenceless. It has disarmed them from whom we had nothing to fear but not the Banditti from whom alone there was any mischief to be apprehended;

because they conceal their arms and bring them out when wanted. If we allow the inhabitants the free use of arms they will defend themselves against common Robbers and render much more assistance to the Magistrate than they can now do in apprehending them at present. Even when they have arms they are afraid to make use of them either in defending themselves or in seizing Robbers because they believe that if they inflict any wound they will be liable to punishment by the Courts. The District Munsiff of the Baramahl informed me that this opinion was general. They brought it to my notice in consequence of some of the inhabitants having very recently been maimed by robbers and they spoke of the inhabitants being restrained by the fear of prosecution from using these arms on such occasions as a great grievance.

The 1st Judge on circuit of the Western division in his Report of the sessions of 1821 for South Malabar states that the people are afraid to wound in seizing prisoners lest they be tried for murder. He mentions a remarkable instance in which these Government Officers who had killed a notorious Robber and Rebel who resisted were tried for murder eleven years afterwards before himself declared by Law Officers liable to a Roobet [sic] in which sentence he did not concur. He attributes the fear of wounding Robbers to the rescission of Regulation XIII of 1809 but I believe that it has prevailed ever since the first introduction of the Judicial Code. Its existence however is an evil which should be removed by an enactment authorising the use of arms either in defence of property or in securing Robbers.

The last and greatest grievance complained of by the inhabitants of the Baramahl is the state of the Police. I found it established under Darogahs with every abuse which can attend that system. I had complaints every where of sheep, gram and other articles being taken by the Police Officers either without payment or at rates not equal to half their value. I have reason to believe that not less than 400 or 500 sheep and gram to a very considerable amount have been taken in the manner within the last eighteen months. When I asked why this was not prevented by the Tahsildar, I was told that they had no authority in the matter. On speaking to the Tahsildars themselves I discovered to my surprise that this was really the case, that the Tahsildar so far from being the head of the Police had nothing to say to it, could not issue any orders regarding it, and was as ignorant of all its operations as any individual in his District. That it was entirely directed by Darogah acting immediately under the Collector and having under him a much greater Establishment of peons than the Tahsildar. That this supersession of the Tahsildar's authority was not confined to a dangerous pass or any spot particularly exposed to the depredations of Robbers but was universal extending over every Village of the most quiet Districts. That petty Tannadars were established wherever the Darogah thought proper, each of whom withdrew in succession the watchmen from the neighbouring Villages in order to be employed at the Tannah and that the Potails of Village had no authority over their own watchmen. I also found that the custom servants were independent of the

Tahsildars, that, though they transmitted their accounts through him, they corresponded directly with the Collector's Cutcherry and received all their orders from thence. That the Extra Revenue arising from fines, unclaimed property etc., was in the Magistrate's Department and no account of it with the Tahsildar, and that the Collector's Sheristadars have no control over the Police or Custom accounts or the Treasury and that if they wish to know the state of Balances they must apply to the Treasurer.

The results of such a system have been just what have been expected. The Tahsildar is a Cypher in his District compared to the Darogah. He has no real authority. He is less feared by the inhabitants than a Police Peon. He is obliged to look on and see the Ryots plundered by the Tannadars and is a mere Collector of the land rent. This separation of authorities, which too many Collectors are fond of adopting from the belief that it prevents their Sheristadars from acquiring any undue influence and secures their own control over any branch of the Establishments, has the inevitable effect of exposing the Revenue to loss and the people to exaction, of breeding general discontent and of keeping the Collector himself in ignorance of what is going on. This is namely [briefly?] the state of things in the Salem Collectorate and it can be no better until confidence is reposed in the higher Class of Revenue servants, and the local administration of the Districts entrusted to the Tahsildars instead of Police Officers. The Police though intended to check abuses is itself of all things where uncontrolled the most liable to abuse. No system

of local administration is ever so arduous and oppressive as that where Police hold the first Rank. Police Officers have no sympathy with the people nor any interest in the prosperity of the Country; where they have no duties but those of Police, they can have no wish to see tranquillity and good order established; because they know that they have less chance of employment in tranquil than in disturbed times. They exaggerate every report of robbers in order to keep up alarms. They seek for thieves where they know that in reality there are none. They harass the people by unfounded accusations and extort money from them by threats of bringing to publicity their domestic irregularities real or pretended. Such a Police does much more injury than all thieves and robbers in the country. The people would suffer much less if they were left to the thieves than to it. They could protect themselves against thieves but there is no defence against an uncontrolled Police. I am convinced that during the last eighteen months the amount of the exactions of the Police in the Baramahl has exceeded the value of all the property stolen.

These disorders can only be effectually suppressed by placing the Police under their proper superior, the Tahsildar of the District, who as his advancement generally depends on its prosperity is urged but by self interest and duty to preserve the peace of the Country and to protect the Inhabitants both from Robbers and the Police. This control is no more than what the Tahsildar has a right to by the Regulations and the Collector ought not to expect the affairs of the District to be properly conducted unless he grants to him the same

individual authority and the same confidence which he himself received from Government. This principle is equally applicable to every gradation of Officer from the head of the Village to the Collector. In order to be efficient the heads must have full control over the Potal in the Village, the Tahsildar over all in the District and the Sheristadar over all in the Collector's Cutcherry. There should be no Treasury or Custom Establishment independent of the Tahsildar; all accounts in every branch should be under him completely. He should have access to them at all times not by requesting but by ordering as all persons employed in them should be regarded as his Goomastahs.

The substance of this minute should be communicated to the Board of Revenue and their attention should be particularly called to that part of it which regards the high Tariff, excessive fines, the want of system, and control in the Courts from the whole [?] not being under the authority of the Sheristadar and the disorders of the Police; and the Collector should be required to place it not nominally but really and entirely under the Tahsildar and to explain why it has not been done before.

The Board of Revenue should also be directed to send orders without delay to restore the hereditary Potails the inheritance of which they were deprived for refusing to accede to the Decennial Lease. It is known to this Board that these Potails were deprived of the management of their villages and of a part of their ancient service lands and allowances and many of them of whole. Some of them may have been urged to reject

the Lease in the hope of obliging the Collectors to let them retain the villages on their own terms, but I believe that for the greater part of them were influenced solely by the fear of engaging in the untried experiment of a long Lease, the result of which was extremely uncertain and which might lead to imprisonment and ruin. It is not therefore surprising that under such circumstances many should have declined the Lease, the only wonder is that the number was not much greater. The conduct was dictated by a prudent regard for their own safety and ought not to subject them to censure and still less to the punishment of being excluded from the possession of their hereditary profession.

As the opinion is general among the inhabitants that the carrying of arms is prohibited by law, the Magistrate should be directed to make it generally known that every person is at liberty to wear arms who chooses it and as it is also a prevalent opinion that the inhabitants if they wounded or killed thieves either in endeavouring to seize them or in defending themselves it may be advisable to declare by a positive enactment that they are not liable to punishment for any accidents which may happen on such occasions.

The want of restraint upon vagabonds and suspicious persons having no visible means of livelihood to which the increase of robberies in the Baramahl has been attributed. I have long regarded it as an evil, but as one which could not easily be remedied without the danger of authorizing oppression. There are persons who take up their residence in towns and villages who are little occasionally absent for weeks or months, and who seem

to live at their ease without any visible means. Coiners and the worst class of robbers, murderers and phansigars often live in this manner. The Magistrate should be empowered to demand from such persons and likewise from all persons of notorious bad character and suspected of being concerned in Thefts and Robberies, security for their personal appearance whenever it may be required and in the event of their failing to give such security to send them to the Criminal Judge to be dealt with in the same manner as has been proposed to be done with regard to other persons of notorious bad Character in the Draft Regulation now in Circulation.

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## 18. The Conduct of the Raja of Tanjore.

(Foreign and Political)

*5th November 1822.*

With a view to show to the Board more fully than is done by the Resident at Tanjore in his Official Correspondence the change which has taken place in the Rajah's conduct since his return from Benares, I beg leave to place on record a letter from the Resident to me dated the 17th September which though in a private form is entirely of a public nature.

I had long known both from report and from personal communication with the Rajah that he had established a school at Tanjore, that he had a Library of English Books and that he was fond of being thought a promoter of the acquirement of knowledge. I thought that this disposition might lead him to enlarge his school and to make it more extensively useful. That to observe its progress would amuse and gratify him and that the small additional fund which would be requisite would easily be obtained by the retrenchment of some idle expence; I am satisfied that the Rajah's only objection would be to the extra expence. I therefore mentioned to the Resident in a private letter my wish that he should consult with the Rajah on the subject, that he should propose no expence which might be inconvenient and that the school or College should be regulated according to Hindoo principles. This letter was written before the Rajah expressed his intention of visiting Benares and as his application to proceed on his pilgri-

mage to that place was received very soon after, the Resident said nothing to him regarding the School. I thought it better to let the matter rest until the Rajah's return as I imagined that his seeing what was done in other countries would be more likely to render him desirous of encouraging the extension of knowledge in his own. In August last a considerable time after the Rajah's return to Tanjore I again wrote a few lines to the Resident reminding him of the School. His letter now laid before the Board shows the unsuccessful result of his communication on that point with the Rajah.

There were only two things which I thought it possible might make the Rajah object to the plan. The first was expence and the Resident was therefore desired to let it be no more than was perfectly agreeable to the Rajah. The second was religious jealousy and the Resident was therefore desired to let the institution be altogether in strict conformity to Hindoo principles. But the matter which appears to have excited the alarm and jealousy of the Rajah never occurred to me, it certainly never entered into my mind that a proposal for enlarging the School in the Fort of Tanjore would have been construed into a design of interfering with his authority in the place. I doubt much that the Rajah did really entertain any alarm on this head. It is likely enough that he may have fancied, or been told that the honor of extending the school would be given by the people to the Resident or the Government and that this may have displeased him, but I do not believe that this alone with-

out other causes would have made him burst forth into such a paroxysm of passion in the presence of Venkat Rao as the Resident has described in his letter of the 17th of September. These other causes were I think his disappointment at not having the succession of his son publicly recognised, a suspicion that it was owing to the Resident. His new formed attachment to Doctor Mc.Leod and impatience to get him appointed Tutor to his son in the hope that such a measure would lead to the resignation of the Resident and the appointment of Doctor Mc.Leod as his successor. That Gentleman had probably for some time been looking forward to the situation of Resident in the event of Colonel Blackburns' resignation and in a letter dated the 18th September the day previous to his receiving the Order of Government for his return to Bengal he applied to me to be appointed Resident whenever the vacancy would happen. It cannot be supposed that he would have consented to remain at Tanjore in the humble situation of Tutor to the Rajah's son as stated in his letter of the 2nd of September had he not had other views or that he sought that Office for any other purpose than that of enabling him to wait with convenience for the vacancy of the higher Office to which he aspired.

The Rajah's conduct towards the Resident has ever since his return from Benares been evidently calculated to make that Officer disgusted with his situation and to force him to resign. The Rajah is vain, weak and capricious and is therefore insensible to the obligations which he owes to the Resident who ever since his accession to the musnud has on every occasion been the

steadfast supporter of himself and his family in all their rights and dignities. He has been encouraged by the extreme attention and deference which he has always met with from the Resident to forget in some degree the respect due to the Government and to believe that all his demands however unreasonable must be granted and that when they are not he is at liberty to vent his anger against the Resident as if he were one of his own servants. The answer of Government declining the Rajah's request of keeping Doctor Mc.Leod was sent to him by the Resident on the 18th September and when that officer waited on him on the following day the Rajah "burst upon the subject with greater violence and passion said he was disgraced and dishonoured, all his hopes of his worthy heir and successor were overthrown, that he had given up everything to the Company and deserved not this return, was determined to go to England, would carry his son along with him and retain him there seven years. If he were deprived of Doctor Mc.Leod, his son should never be given up to any other Tutor". He made no effort to control his passion, but he became at last exhausted, and when the Resident then attempted to reason with him, he interrupted him and said he had sent for him "not to debate but to witness his distress that he might represent it faithfully to the Governor".

On the 22nd September when the Resident again waited on the Rajah he was more calm but still persisted in his former sentiments, he refused also to listen to any thing in justification of the disinclination of Government to allow Doctor Mc.Leod to remain at Tanjore as Tutor

to his son, he dealt a good deal on his exclusive right to regulate the education of his son. He asked the Resident what were the grounds on which the Government declined complying with his request, and when the Resident answered that he could not speak with certainty but could only conjecture that they might be the youth of Doctor Mc.Leod, doubt of his qualifications, apprehension of his interfering with the Resident and his belonging to another Establishment. The Rajah was not satisfied with the arguments and again appealed to Government under date the 22nd of September. In this letter he renews his request to detain Doctor Mc.Leod to give excellence in literature to his son and says that he will not entrust his education to any one else, that many persons are aware that he has made this request, "and to confess that he has entreated covers him with shame."

No reply has yet been made to this appeal but the Rajah has long since learned its success from Doctor Mc.Leod having left Tanjore in consequence of a repetition of the order for his departure. The Rajah undoubtedly possesses the exclusive right of regulating the education of his son, but he has certainly no right to suppose that he may select for this purpose any servant of the Company that he pleases, that he may make this selection without consulting with the Resident to know whether it will be agreeable to Government and that in the event of its being refused he may with justice complain of ill-treatment or reproach the Government with ingratitude. Were there no other person but Doctor Mc.Leod capable of educating the Rajah's son, I should be inclined rather to submit to the evil of a Tutor's interference with the

Resident than to forego the attainment of so important an object. But fortunately we are not reduced to such an alternative; for I am satisfied that there are many persons in this part of India who are fully as well qualified for the task of Tutor to the Rajah's son as Doctor Mc.Leod and who would in a very short time be as acceptable to the Rajah himself. Doctor Mc.Leod left Tanjore on the 17th of October and the Resident states that his "irritation is nearly subsided and he appears to be inclined to return to habits of cordiality and confidence with the Resident," when the Rajah has had a little longer time to forget his late disappointment he will resume his former confidence in the Resident. They can then consult together regarding a Tutor and the person on whom their choice falls may be sanctioned by Government. From all that I can learn the junior Missionary at Tanjore the Reverend Mr. Sperchneider is well qualified for the office and is exempt from all the objections which apply to Doctor Mc.Leod. He has in fact I believe been already employed in that situation but the Rajah's object was not so much the instruction of his son as the getting him formally acknowledged as his successor and he was therefore desirous that the Office of Tutor and eventually that of Resident should be held by Doctor Mc.Leod who he imagined would be more likely than Colonel Blackburne to promote his political views. It is very desirable that every cause of distrust in the Government and of want of cordiality with the Resident should be removed from the Rajah's mind. This might be easily effected by a formal declaration of his son as his future successor and as this measure would

at once put an end to all his anxieties and petty intrigues and as there does not appear to be any thing objectionable in it, I think that it should be immediately adopted.

The Rajah is timid and suspicious and though he has been assured both by the Governor General and by this Government that no other person but his son can have the right of succession, his doubts still continue, and when we consider the revolutions which he has seen in Tanjore it must be confessed that his fears are natural enough in a man in his situation. The state of his mind on this subject is very fully explained in the Resident's letter of the 6th of August in which he says "that it has been impossible to avoid observing that the doubts which he had entertained respecting the succession of his son have been the cause for a long time past of much uneasiness to him." That for this uneasiness there is some apparent cause in the circumstances of the rival houses of the late Nawal Sahib and Ameer Sing, the former most openly and publicly the latter more covertly asserting its superior right and paramount title to the Throne. "And that the public recognition of the son as the heir and successor of his father would have a most powerful and immediate effect in restoring tranquillity, comfort and confidence to the minds of the Rajah, his friends and dependants, and in suppressing the pretensions and intrigues of the rival houses which are a fruitful cause of distress and injury to themselves as well as of vexation and alarm to the Rajah," nothing can be more just than these observations. The rival houses still continue their intrigues, and their pretensions have always been discountenanced by Government,

they are encouraged by designing men to maintain them. Several private emissaries have been sent by them to me whom I have frequently seen long after they had been ordered away. There can be little doubt that these men endeavour to keep up the hopes of their employers and receive considerable sums of money from them on pretence of applying it in forwarding their affairs, and that much of the income of the houses of Nawal Sahib and Ameer Sing are expended in this manner. The public avowal of the Rajah's son as his heir appears therefore to be advisable for the benefit of their houses as well as for sake of restoring confidence to the Rajah.

I can perceive only one objection which may be made to the measure, namely that it might raise up a party for the son against the father. This might be apprehended and might be an insurmountable obstacle to the proposition if the father were in the actual possession of his government of the Province of Tanjore, but as he has no authority in it, such an occurrence is not likely to happen and if it did it could produce no serious inconvenience.

I therefore recommend that the necessary steps be taken for the public recognition of Sivajee Rajah the Rajah's son, as the heir and successor of his father.

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## 19. Hickey's Case for Financial Relief.

(Public)

*29th November 1822.*

Since my return to the Presidency two letters from Mr. Hickey of the 24th August last which in consequence of my absence was ordered to lie over for consideration has been shown to me and I propose that the Board should no longer delay to dispose of it.

Mr. Hickey has represented the great distress to which by his pecuniary difficulties he has been reduced and has begged that the Government will in its bounty afford him relief. He has stated his wants to extend to 5,000 Rupees.

Mr. Hickey does not pretend that he has any claim on the Government, he was lately employed on the repairs of some pictures, the property of the public, for which he acknowledges that he has been remunerated, his labours have been amply repaid and therefore whatever assistance the Board may resolve to bestow upon them must be considered to be an act of bounty on their part to which Mr. Hickey has no right to look.

Mr. Hickey is well known to have been for a great number of years resident in India during the whole course of which his conduct has been marked by so much propriety as to have rendered him an object of universal respect. He has now attained to a very advanced age and having, by the infirmities attendant upon it, increased by the time he has passed in this climate, been rendered

in a great measure incapable of pursuing the profession by which he has hitherto been enabled to obtain a livelihood, he has found himself fast approaching to his 83rd year involved in difficulties from which he has not the means to escape.

The community of India of which Mr. Hickey is a member is upon so very limited a scale, that however liberal it has on all occasions proved itself in stepping forward to the relief of distress, it should find the means to alleviate every case of misfortune which offers itself for its bounty.

It becomes therefore sometimes incumbent on the Government of the Country to interpose for the succour of cases of private distress, and I am of opinion that a more urgent call could scarcely be made upon its liberality than that which is at present offered to our consideration. I consider it to be altogether out of question that the Government should afford relief to Mr. Hickey to the extent he has solicited ; I however propose in consideration of his being a case of honest industry reduced to distress, that we allow him as a subsistence a pension of Rupees One hundred and fifty per month and that the Honourable the Court of Directors be urgently requested in their liberality to confirm our grant.

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## 20. Misunderstanding of Munro's View by the Commander-in-chief.

(Public)

*14th February 1824.*

The remarks of His Excellency the Commander in Chief on my Minute of the 23rd of January make me fear that I have not expressed myself with sufficient clearness to prevent being understood. When I mentioned as a reason for not raising the present salary of the Military Secretary, that it would be regarded as an ample remuneration by any Military Officer who might hereafter hold the appointment, I did not mean to say that one class of men ought to execute the duties of a Public Office at a lower rate than another. But I considered that the Military Man would in addition to the salary have his Military Pay and the advantages resulting from progressive rank and retirement on full pay or with a Regiment.

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## 21. The Footing of the Deputy and Assistant Secretaries.

(Revenue)

*10th February 1825.*

The Board of Revenue in their letter of the 20th of May last recommended that their Deputy secretaries and assistant should be placed on an equal footing with the Deputy Registers and assistants to the Sudder Adowlet with regard to salary on the ground that the duties were not less arduous in the one office than in the other. It has been a general principle ever since the first establishment of the Judicial Department to allow it a precedence both in rank and salary to other Departments of the Public service. It is right that this rule should be observed; for even independent of the expediency of upholding the weight and dignity of the Courts, it is necessary in order to secure the services of able servants in the Judicial line, because even where its duties are lighter they are so much drier and more irksome than those of Revenue that unless this inconvenience was compensated by some advantage few men would remain in the Judicial who could find employment in the Revenue Department; although therefore I consider it advisable to adopt the recommendation of the Board of Revenue I deem it proper to preserve the distinction which has hitherto obtained and in raising the salaries of the Deputies and Assistants in Board of Revenue still to keep them below those of the Deputies and Assistants in the Sudder Adowlet.

The Board of Revenue in recommending on the 7th of January 1819 an increase of allowance to their

Secretary from 1,400 to 2,000 Rupees and to their Deputies from 525 to 700 Rupees state very fully the grounds on which they regard such an increase as proper. The great increase of business from the voluminous Reports on the settlements of those Districts in which the Zamindary Tenure did not exist : the further augmentation of this branch of labour which must soon ensue from the Districts settled or lease reverting to the Rayetwar settlement : the increase of correspondence from many of the Estates and Zemindaries in the Districts under the permanent settlement falling temporarily or permanently under the management of the Collector, and in the increase of business arising out of the duties of the Board as a Court of Wards.

Since the Revenue Board made this representation in 1819 eight Districts yielding an annual Revenue of above One hundred and seventy two Lacs of Rupees have reverted from Lease to the Rayetwar system and lands permanently settled in several Districts and yielding a Revenue of Eight Lacs and eighty two thousand Rupees have reverted to the Rayetwar settlement. These changes have considerably exceeded rather than fallen short of what was considered by the Board of Revenue as likely to occur and have in the same degree augmented the business of the Department and rendered it the more necessary to give sufficient aid.

Formerly the Assistants in the Board of Revenue were usually young men recently arrived in the country or who had just left College, and who knowing nothing of business were of no use to the Board. Under the present

system regarding the junior servants this cannot happen, for every young man on leaving College is sent into the Provinces and must serve in the Revenue line there two years before he can be employed in any other situation; if we suppose that he has spent two years at College he will have been four years in the country before he can possibly be appointed an Assistant in the Revenue Board, but will generally be a year or two longer and then he will be eligible to the situation of Head Assistant and he cannot be expected to relinquish the near prospect of it for an office inferior. I am therefore of opinion that the situation of an Assistant under the Board of Revenue should not be less desirable than that of Head Assistant under the Collector of an unsettled District. The salary and commission of such a Head Assistant may be taken at Rs. 660; something should be allowed for the greater expence at Presidency and I would therefore propose that the salary be fixed at Six Hundred and Ninety Rs. monthly.

Upon the same principle which dictates the propriety of an increase of salary to the Assistants at the Board of Revenue an increase to that of the Deputy Secretaries appears to be equally requisite. A Deputy in order to be really efficient must have served some years in the Provinces and acquired a competent knowledge of Revenue. He will in general it is likely be selected from among the most experienced Head Assistant Collector. But a Head Assistant will not willingly quit a District where he has been long established and is near promotion to a Sub-Collectorship for a situation at Madras which though somewhat better in point of salary is in fact less advanta-

geous than his own. In order to secure the services of such a man I think that the salary of the Office of Deputy Secretary to the Board of Revenue ought not to be less than Eight Hundred and Fifty Rupees.

The increase of salaries is the least that is required in order to give effect to the plan of securing to the Board of Revenue servants instead of that of young men unacquainted with Revenue affairs. It will produce a material improvement in the efficiency of the Office of the Board of Revenue and will I trust as contributing to the great object of improving the service meet with approbation of the Honorable Court of Directors.

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## 22. The Civil Service Fund.

(Public)

*15th February 1825.*

The Honorable Court of Directors in their answer under date the 24th of March 1824 to the Memorial of Civil Servants state that they are anxious that the practice of setting apart a portion of their incomes to accumulate as a fund in view to eventual retirement should be universally pursued and that it is their desire that the salaries which they allow should be sufficient to combine liberal maintenance in India with an annual saving in view to retirement and in the letter under date the 1st of April 1824 from the Chairman and Dy. Chairman of the Honorable Court we are informed that they are desirous of receiving any suggestion which may tend to improve the efficiency of the service as well as to improve the condition of their servants. It is therefore our duty to point out according to our best judgment how the efficiency of the service and the improvement of the condition of the Civil Servants may be combined.

In order to secure efficiency there must be adequate salaries ; the one can hardly be expected without the other. But it is also true that there may be very great inefficiency with very adequate salaries. Efficiency depends not only upon salary but upon a due gradation of the higher and lower ranks of offices. If the number of the subordinate officers be too small the junior servants will be raised to the higher before they have had time to learn their duties. If the number be too great promotion

will be too slow: the Civil Servants will waste the best days of their lives in inferior situations, they will become dispirited and hopeless, they will lose all zeal and become indifferent about the discharge of their duties, and the whole character of the service will sink.

To render the establishment efficient the number of the different classes or gradations of offices should not be more than is necessary and the number of persons employed in each office should not be more than the duty requires. The junior servants should be employed only in such duties as are necessary to be known in order to qualify them for filling with advantages the higher offices in the several Departments of the service. It is misapplication of their time to employ them in the inferior duties of mere routine and labour which teach nothing and which can be much better performed by natives.

The present Civil Establishment of this Presidency appears to be so well constituted both with regard to the relative numbers of the higher and lower officers and to the chance of promotion as to require little or no amendment. It is evident that the chance of promotion in every service must depend upon the proportion of the higher to the lower classes or ranks and the number of persons in each. If we examine the Civil Establishment by this Rule it will be found that the prospect of promotion is as good as it ought to be for that of the whole number of persons of which it is composed amounting with those at home on leave to 207 about  $\frac{1}{3}$  have annual salaries or allowance of from Rs. 25,000 to

49,000, about  $\frac{1}{3}$  from Rs. 12,000 to 25,000, about  $\frac{1}{3}$  from Rs. 3,000 to 12,000, and that about  $\frac{1}{3}$  are at home on furlough. The whole amount of civil allowances exclusive of those of the Governor for 1823/4 was Rs. 31,63,751 which if divided by 207 the number of Civil servants at home and in this country would give Rs. 15,000 per annum for each and if divided by 167 the number in this country including servants out of employ and students at the College it would give in round numbers Rs. 18,500 per annum for each. The following statement shews in sufficient detail the gradations of salary and the number of persons in each gradation by whom it was received.

No. 2	Councillors	each	Rs.	59,500
4	from	„	„	45,000 to 50,000
8	„	„	„	40,000 to 45,000
20	„	„	„	35,000 to 40,000
10	„	„	„	30,000 to 35,000
19	„	„	„	25,000 to 30,000
10	„	„	„	20,000 to 25,000
1	„	„	„	17,500 to 20,000
4	„	„	„	15,000 to 17,500
17	„	„	„	12,000 to 15,000
19	„	„	„	8,000 to 12,000
24	„	„	„	6,000 to 8,000
29	under	„	„	6,000.

Promotion could not be made quicker than is permitted by this scale without leaving some officers without a single assistant. If this scale be preserved promotion must go on fast enough to answer every useful purpose and every reasonable expectation.

Promotion has undoubtedly been slow during the last fifteen years but it has proceeded from causes which will not operate in future. It was occasioned by the sudden increase of offices on the formation of the Judicial Establishment and the subsequent reduction of many offices in the Judicial and Commercial Departments. What is now wanted is neither quicker promotion than is likely to result from the present scale of establishment nor higher salaries, for promotion cannot be quicker consistently with the efficient training of the junior servants, and the salaries are now with some trifling exceptions sufficiently high. But what is wanted is a greater facility in accumulating savings from salaries and in remitting these savings to England.

The most effectual way of encouraging saving would be to render the saving productive by receiving it into the Treasury and allowing interest upon it. Nothing is so much against the practice of saving as the present state of things in which there is no ready or safe way of investing savings to advantage. Even if money could with safety be lent to private agents it would be advisable that the Company should always take the savings of its Civil servants as a loan and be the channel of its remittance to England. Considering their situation and the duties they have to discharge it would be better that they should if possible have no money dealings either with natives or Europeans. Wherever they employ an agent and have funds in his hands they must feel an interest in his success and it will be supposed to influence their conduct whether it does or not. Besides when the Civil servants are obliged to watch the fluctuations of

the money market in order to ascertain how they may place their savings at interest or remit them home with safety it must necessarily occupy a portion of their time and prevent their devoting it so entirely as they might otherwise have done to the publick services.

The intention expressed by the Honorable Court of ensuring to every Civil Servant during his residence in India a competent salary would be furthered by allowing every Civil Servant after twelve years residence in India to draw a monthly salary of One thousand Rupees whenever the salary of his office might fall short of that sum.

The efficiency of the service might be greatly promoted were the Honorable Court to grant retiring Pensions to Civil Servants after a period of actual residence in India. Such a grant might induce some men to retire who are from age or infirmity unequal to the proper discharge of their duties and might prevent others now at home who are equally unfit from returning to this country in quest of office and would thus enable Government to avail itself of the services of more efficient men. The benefits of retirement should not be such as to induce active and intelligent servants to retire too early. When men retain their health there is no time when they are more useful as publick servants than from the twentieth to thirtieth year or even to a later period of their residence in India. I am therefore of opinion that no Civil Servants should be entitled to retire on a pension until he should have completed twenty five years actual residence in India.

A Civil Servant who has served in council by appointment from home four years and completed a

service in India of twenty five years ought to receive a pension double the ordinary rate for the purpose of facilitating his retirement because the respectability and independence of members of Council would be maintained by their being enabled to retire from the service on retiring from Councils.

It is not likely that the pension list would be very considerable. But as this can hardly be ascertained without trial as it is possible that the hope of pension might keep some men in the country after their services are no longer useful and after they have the means of retiring and as the number of the Civil Servants on the establishment who have resided twenty five years in the country though now only 13 might possibly increase so as to cause a heavier expense than was contemplated, this inconvenience might in some measure be remedied by limiting the number of pensions and by assessing the whole or a considerable part of the charge on the salaries of the Civil Servants.

I regard the operations of pensions however as very inferior to that of the accumulation of savings in promoting the efficiency of the services and it appears to me therefore to be highly desirable that while Government discouraged by every proper means habits of idle expence it should suggest the measures which may seem best calculated to ensure the combination of a liberal maintenance in India with an annual saving in view to retirement. I have already stated my opinion generally on this subject and shall now recapitulate more precisely the points which I think should be submitted for the consideration of the Court of Directors.

1st. Let a certain proportion of each salary say one half be receivable monthly in sums of even hundreds into the Company's Treasury to bear a moderate rate of interest say six per cent payable by instalments of months. By making the portion of salary receivable one half the amount actually received will probably not exceed one third as the saving from many salaries will be little or nothing.

2nd. Let a bond be granted at the end of every year to each individual for the amount so received in even thousands and let these bonds be made to fall due at the end of five years.

3rd. Let the Honorable Court of Directors make arrangements for paying the principal and interest or at least the principal in England. But if neither can conveniently be allowed still the great objects of providing their servants with an investment of their monthly savings and of creating habits of economy will be attained while on the other hand the Company never will be loaded with more than five years accumulation of their servants' savings.

4th. Let every Civil servant who has resided twelve years in India draw a salary of One Thousand Rupees a month whenever the salary and allowances of this office may fall short of that sum.

5th. Let every Civil servant who has resided twenty-five years in India be entitled to receive a retiring pension of Four Hundred pounds (£ 400) per annum.

6th. Let every Civil servant who has resided twenty five years in India and served four years of that

period as a Member of Council by the appointment of the Court of Directors be entitled to receive a retiring pension of Eight Hundred pounds (£ 800) per annum.

7th. Let the liberal aid now afforded by the Honorable Court to the Civil fund be continued in its full extent.

8th. Let a suitable addition be made to the salary of Councillors which is now too low both with regard to their rank and to the salaries of the Members of subordinate Departments.

Even if the Honorable Court should be pleased to grant all that is now proposed it will hardly place the Civil servants on so good a footing with regard to securing the means of eventual retirement as appears to have been contemplated when Lord Cornwallis recommended the adoption of the plan of liberal salaries, for it may be safely affirmed that from the reduction of the rate of interest and the difficulty of investing money even at that reduced rate together with the unfavourable exchange on England there is difference against the present time compared with that period of at least one third on that proportion of every salary which is intended for accumulation and remittance home.

To this loss may be added another occasioned by the changes which have taken place in the currency by which the Civil servants instead of a Gold Pagoda intrinsically worth seven shillings and five pence receive these silver rupees and a half worth intrinsically about six shillings and nine pence making difference of nearly

eight and a half per cent from which however a deduction must be made on account of salaries having been occasionally paid in silver and of the relative value of gold and silver not having been so high as fifteen to one.

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## 23. Rules for the Conduct of Civil Servants.

*15th March 1825.*

(Revenue)

I have long thought that it would be desirable to have some rules for the guidance of the Officers of Government in their intercourse with the Natives of India and it was my intention to have framed them. But this has now been rendered unnecessary by Sir John Malcolm's Instructions to his assistants and officers acting under their orders in which he states so fully and clearly everything that can be wanted for this object in view that I think that no better course can be followed than to adopt them as far as they are applicable to the general nature of our administration.

The directions which follow are transcribed from these instructions; they can hardly be pursued without advantage, and I cherish the hope that every publick Officer for whose use they are intended will be guided by that spirit which pervades them.

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## 24. Inequality between Judicial and Revenue Servants at the Presidency.

(Revenue)

*16th June 1826.*

The inequality which formerly existed between the allowances of the Judicial and Revenue servants and which raised the Judicial at the expence of the Revenue branch of the service has been done away as far as regards Officers employed in the Provinces by the appointment of principal and subordinate Collectors. But as regards the heads of the two Departments at the Presidency the inequality still remains the same as before, as no increase has been made to the allowances of the members of the Board of Revenue. The Sudder Adowlet therefore still continues to draw the most experienced Revenue servants from the Revenue Board where their services would be most advantageous to the public service. The difficulty of finding able servants for the Board of Revenue has been augmented rather than diminished by the improvement of the allowances of the Revenue Officers in the Provinces because several of the Principal Collectors prefer their present situation to that of any Member of the Board of Revenue on account of the expence of living being so much greater at the Presidency.

2. The salary of the Senior Member of the Board of Revenue is Pagodas 12,000 per annum. But there are eleven Judicial and five Revenue officers which either from having a higher salary or an equal one having the difference of a lower one more compensated by the

advantage of the cheaper living in the Provinces will in general be preferred to the Office of Senior Member of the Board of Revenue and

3 Judges Sudder Adowlet	almost in every case to that
4 1st Judges Pr. Court	of the Junior Members of
4 2nd do. do.	that Board. Nothing can
5 Principal Collectors.	be more obvious than that
Malabar.....	in order to ensure the proper
Canara.....	administration of the Reve-
Tanjore.....	nue the Board of Revenue
Bellary.....	ought as far as practicable to
South Arcot.....	be composed of our ablest
	Revenue servants. But it is

equally obvious that this can hardly ever be accomplished while there are so many more desirable offices and that the only remedy for this evil is to raise the salaries of the Members of the Board of Revenue but particularly of the Senior Member so as to make a seat at the Board to be sought after in preference to every other Revenue office.

3. In former times when there were no high Judicial Office in the Provinces and when the allowances of the Member of the Board of Revenue were far above those of Collectors, a seat at the Board was an object of ambition to the most intelligent of the Company's Civil Servants and it continued to be so for some years after the cause in which it originated has ceased to exist, because when the Provincial Courts were established the Board of Revenue was composed of men who from long residence at the Presidency were attached to it and had no wish to leave it for the sake of living on an equal

salary at less expence in the Provinces. But in this respect matters are now much changed, for I have had no application for a seat at the Board of Revenue except from men who were either not qualified for it or who if they were qualified wanted it merely for the sake of preparing at leisure to return to England, and I have met with two cases in one of which an inferior situation with a lower salary in the Provinces was preferred to the Office of 2nd Member and in the other to that of first Member of the Board.

4. The addition which I think ought to be made to the present salaries of the member is as follows :—

To the Salary of Senior Member Rs. 6,000 per annum

2nd	do	„	2,400	„	„
3rd	do	„	1,200	„	„

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Total Rs. 9,600 „ „

5. The salary of Senior Member with the proposed addition will be within the thousand Rs. of the Judge of the Sudder Adowlet. It cannot be fixed at a lower standard without defeating the object in view. The efficient administration of the Revenue is of so much importance both in protecting the Rayets and in securing the dues of Government and so much of this efficiency depends upon the qualifications of the Board. But above all of the Senior Member that [?] it is necessary that the allowances of his office should be such as should always enable Government to command the willing services of the man who may be fittest for it.

6. Great advantage would be derived from periodical tours being made in the Provinces by the Members of the Board of Revenue as prescribed by the Honorable the Court of Directors, but the present number of Members is not sufficient to admit of this being done regularly every year. The duties of the Board to be properly executed require the constant employment of three Members at the Presidency. The requisite tours therefore cannot be conveniently made unless another Member be added to the Board either permanently or temporarily during the period required for such tours and for reporting upon them. The temporary appointment would be preferable, because the expence would be incurred only when the tour was actually made and because from want of health and other cause a Member of the Board might not always be available for travelling and because a person well qualified for the general duties of the Board might not be so well qualified for conducting investigations in the Provinces, and because Government would be enabled to select either from the Board of Revenue or from the service at large the person best fitted for this duty. I would therefore propose that for the purpose of ensuring regular periodical tours in the Provinces we would submit to the Honorable Court the expediency of adding a fourth temporary Member to the Board of Revenue.

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## 25. The Number of Civil Servants in the Whole Presidency.

(Public)

*27th June 1824.*

Considerable inconvenience has been experienced for the last few years in almost every Department in the Civil service from the want of a sufficient number of Junior servants to complete the different Offices to their proper establishment, as this inconvenience will no doubt go on increasing for the next three years until the Civil servants who have gone home on Furlough shall begin to return, and as it never can be entirely remedied without some permanent addition to the strength of the Establishment it seems to be advisable that the subject should be brought to the notice of the Honorable Court of Directors in order that measure may be taken for making the proposed addition.

2. The number of Civil servants should not I think be less than Two hundred and twelve nor more than Two hundred and twenty. With this number we may possibly from sickness and unforeseen causes sometimes have too few present for duty but the inconvenience never can be of long duration and it is better that it should be occasionally suffered than that, by too much augmenting the establishment, we should incur the far greater evils of having a number of Civil servants out of employ in the country and of retarding promotion.

3. The following is an abstract estimate of the requisite number of Civil servants, the particulars of which will be found in the accompanying papers.

Required for permanent Offices under			
this Government	...	...	155
Extra temporary Office		...	3
Southern Maharatta Country		...	4
Students at College	...	...	14
Absentees within the limits		...	5
			<hr/>
Total in India	...		181
Add probable number in Europe			
on Furlough annuities of £500.	20	}	...
Other Absentees in Europe	12		
			<hr/>
Total	...		213

The number of Civil servants at present on the list inclusive of one Bombay servant is ... 196

But of these there are in England unlikely to return ... 9 }  
 Gone to England who may return 25 } ... 34

Living within the limits ... 162

This shews a deficiency of 19 which ought to be completed as speedily as possible but without sending out too great a number in one season which always proves detrimental as it has in the course of a few years the effect of making a very wide difference in point of situation and allowances between servants of the same standing by placing some at the head of Offices while others are assistants.

## Estimate Establishment of Civil Servants.

### General Department.

		Compliment.	Actual No.
Members of Council	... „ 2	„ 2	
<b>Secretaries to Government.</b>			
Chief Secretary	... 1	1	
Assistant	... 1	1	
Secretary Revenue and Judicial Department	... 1		
Assistant	... 1	1	
Secretary Military Department	1	1	
Assistant	... 1	1	
Secretary Public Department	1	1	
	— 7	— 6	
<b>Accountant General's Office.</b>			
Accountant General	... 1	1	
Deputies	... 2	2	
Assistants one of these might also be assistant to Sub Treasurer	... 3		
	— 6	— 3	
Civil auditor and Superinten- dent of stamps	... 1	1	
Sub Treasurer	... 1	1	
Mint Master	... 1	1	
Post Master General	... 1	1	
Secretary to Govt. Bank	... 1	1	
	— 5	— 5	
<b>Total General Department :</b>		<b>20</b>	<b>16</b>

**Judicial Department:**

<b>Sudder Udalet.</b>		<b>Compliment.</b>	<b>Actual No</b>
Judges	...	3	3
Register	...	1	1
Deputy Register	...	2	2
Assistant	...	1	1
		— 7	— 7

**4 Provincial Courts of Appeal & Circuit.**

Judges	...	12	12
Registers	...	4	4
	...	— 16	— 16

**12 Zillah Courts.**

Judges	...	12	12
Registers	...	12	11
		— 24	— 23

<b>Total Judicial Departments</b>	<b>47</b>	<b>46</b>
	—	—

**Revenue Department.****Board of Revenue.**

Members	...	3 or 4	3
Secretary	...	1	1
Deputy Secretary	...	2	2
Assistant	...	1	1
	...	— 7 or 8	— 7

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		Compliment.				Actual No.			
		Collector	Sub Coll.	Assistant	Total	Collector	Sub Coll.	Assistant	Total
<b>Collectors.</b>									
Canara	...	1	1	3	5	1	1	3	5
Malabar	...	1	1	3	5	1	1	3	5
Tanjore	...	1	1	3	5	1	1	2	4
North Arcot...		1	1	2	4	1	1	1	3
South do.	....	1	1	2	4	1	1	2	4
Coimbatore...		1	1	2	4	1	1	2	4
Salem	...	1	1	2	4	1	1	1	3
Madura	...	1	1	2	4	1	1	1	3
Bellary	...	1	1	2	4	1	1	1	3
Cuddapah	...	1	1	2	4	1	1	1	3
Nellore	...	1	1	2	4	1	1	2	4
Tinnevelly	....	1		2	3	1	1	3	5
Trichinopoly...		1		2	3	1		1	2
Chengleputt...		1		2	3	1		1	2
Ganjam	....	1	1	1	3	1	1	1	3
Vizagapatam...		1		1	2	1			1
Rajahmundry.		1		1	2	1			1
Masulipatam...		1		1	2	1		1	2
Guntoor	....	1		1	2	1		1	6
Seringapatam.				1	1			1	1
Madras	...	1	1		2	1	1		2
Do. Sea									
Customs	....	1	1	1	3	1	1	1	3
		20	14	38	73	20	15	28	65
<b>Total Rev. Deptt.</b>				80 or 81					71

**Political Department.**

		<b>Compliment.</b>	<b>Actual No.</b>
Resident Mysore	...	1	1
Assistant	...	1	1
		<hr/>	<hr/>
Total Political Department		2	2
		<hr/>	<hr/>

**Commercial Department.**

Commercial Superintendent		1	1
Deputy Superintendent	...	1	1
Commercial Resident	...	2	2
Deputy do.	...	1	1
		<hr/>	<hr/>
Total Commercial Department		5	5
		<hr/>	<hr/>

**Abstract.**

General Department	...	...	20
Judicial	...	...	47
Revenue	...	...	80 or 81
Political	...	...	2
Commercial	...	...	5
Add.	...	...	154 or 155
Employed in the South Mahratta Country	...	...	4
Employed in Extra Offices say	...	...	3
On leave within the limits say	...	...	5
College say	...	...	14

Add probable number in Europe on

Furlough annuities of £ 500	...	20
Other Absentees in Europe	...	12

Total ... 212 or 213

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## 26. Exchange of Officials.

(Revenue)

*19th September 1826.*

I beg leave to propose to the Board an exchange of offices between Messrs. Dickinson and Saunders. In making this proposal, I am guided solely by the conviction that it will be better not only for the publick service but for the individuals themselves that the exchange should take place.

2. No man can be more zealous and conscientious in the discharge of his duties as Collector and Magistrate than Mr. Saunders but either from the want of early experience in these duties, or from habits acquired during long employment in the Judicial Line his exertions have not produced so favourable a result as might have been expected. I am satisfied therefore that he is better qualified to be useful in the Judicial Department, and that by transferring him to it his labor will never be lost. Mr. Dickinson, though long known as a valuable Judicial servant, has always expressed a preference for the Revenue Branch of the service. I think that his wish should be complied with, because his knowledge of the languages, his attachment to the Natives and his active disposition will, I am persuaded, render him a very efficient Collector and Magistrate.

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## 27. Probationary Civil servants.

(Revenue)

*14th November 1826.*

By the existing rules of the service every Civil servant after leaving College is required to serve in the Provinces two years as an Assistant Collector before he is eligible for any other situation. An exception to this Rule is allowed when he has been placed under a Collector in the Provinces while he belonged to the College. In this case his employment with the Collector is allowed when desired expedient to be reckoned in diminution of his term of service as Assistant Collector to the extent of one year. But as a considerable portion of the Assistant Collectors did not go up the country while they were attached to the College the exception is not applicable to them. In ordinary times no inconvenience could occur from this circumstance but in the present emergency when the Civil establishment in this country is so deficient in number owing to the operation of the retiring pension Furlough and other causes that Collectors are sometimes without an assistant and Judges without a Register it becomes absolutely necessary to render as many of the Junior Assistant Collectors as possible available for general service. I therefore propose that every Assistant Collector without any exception who has served one year upwards in the Provinces in that capacity shall at the pleasure of Government be eligible for general employment.

I mean however that this latitude should be only temporary, that it should cease with the present exigency and that we should then revert to the former established system.

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## **28. The State of Each District in the Southern Province.**

(Revenue)

*24th February 1827.*

When I visited the Southern Provinces last year I was accompanied by Mr. Campbell, 3rd Member of the Board of Revenue, who investigated, as fully as our time would admit of, the state of each District, the nature of its Revenue system, how far the different systems were well or ill conducted and the means by which they might be improved. Mr. Campbell has submitted to me a statement containing the result of his observations, but as the Board of Revenue have within the last few years had under consideration most of the points noticed in it, I recommend that it be transmitted to them and that it be accompanied by the two petitions, Nos. 1 and 2, which are connected with the subject.

2. All the details of the Revenue administration of the southern provinces have been so frequently before the Board and so much has been written upon the subject, that hardly anything can now be said upon it which will not be found either in Mr. Campbell's Report or in former Records and as I am unwilling to augment what is already sufficiently voluminous, I shall merely notice as shortly as possible one or two points which most attracted my attention in each District.

3. In South Arcot altho' the settlements are made in money, it has long been customary not to let the Rayet cut his crop without an order from the Tahsildar for the purpose of making him give previous security for

the payments of the Kists. Mr. Cunliffe the present Collector has directed this vexatious and injurious practice to be discontinued. But some other objectionable usages prevail in this Collectorate. The Tahsildars in order to keep up the Revenue took engagements from the Rayets early in the year to cultivate to the usual extent or some what more when the season appeared to be favourable. But it frequently happened that the season did not answer expectation and that all the land calculated upon was not cultivated. The Tahsildar however went on collecting the assessment for the whole, but at the close of the year, the Collector on examining the extent of uncultivated land entered in the settlement returned the amount collected from it to the Rayets. The evil was thus in some measure redressed, but the Rayet ought never to have been subjected to the hardship of advancing money for however short a period for land which he had not cultivated. This will now be discontinued.

4. In order to prevent a decrease of Revenue by Rayets throwing up their old land and taking new at a lower rent they were made to pay the difference but only for one year. It amounted last year to about Twenty five thousand Rupees. It must be discontinued because it is not only unjust but it is opposed to the principle of a fixed assessment.

5. In the Puttah given to each Rayet for his rent each field is not specified, but only the extent and assessment of the land of each class which he cultivates by which means facility is afforded to fraud in substi-

tuting one field for another. This will be obviated by specifying every field hereafter.

6. The commencement of the Kistbundy is too early. It formerly corresponded more nearly with the period of realising the produce of the crops but was thrown forward by the Collector from November to August from the fear that the poor Rayets would make away with the produce of the yearly crops reaped in September and October and would abscond or not be able to pay when called upon if the demand were delayed till November and that a part of the Revenue would thus be lost every year. This opinion that the Rayets in general but especially the poorer sort are not to be trusted with any delay, after the crop is ripe, is very prevalent among all native Revenue servants, and it is often difficult to get them to act contrary to it. There is, no doubt, some foundation for the apprehension of loss of Revenue but much less under the Company's Government than when there were many independent native authorities in the country. The loss would be trifling and would be infinitely over-paid by the benefit which would ensure to the great body of the Rayets from being allowed twice to dispose of their crop before the Kist was demanded. We know that this would not be a very hazardous experiment as late Kists have long since been introduced into most of the unsettled Districts not only without loss but with advantage both to Government and the people. The principle upon which the Kists were fixed in these Districts was that the Rayet should have time not only to reap but to sell his crop before his Kist becomes due. This principle should regulate the

period of the Kists in every District. It makes no difference to Government but a very material one to the people whether the Kists begin two or three months sooner or later. The relief to them is great, it is in fact equivalent to a remission of rent, because it enables them to sell their produce at the fair market price instead of being forced to raise money upon it at a heavy loss before it is reaped.

7. The early Kists of South Arcot are in anticipation of the produce and ought to be thrown back. The Collector is aware of the utility of the measure but is naturally anxious that the Revenue of his District should not be exposed to loss from too sudden a change and proposed that the change should therefore be made not in one but three years by making the Kists begin a month later in each successive year. The Board of Revenue recommended that the change should be made at once and I concur in their opinion.

8. It has been unusual in South Arcot to remeasure a great number of the fields annually and where they are found to exceed the original survey measurement to add proportionally to their assessment. This practice is destructive of confidence and harrassing to the Rayets and ought to be discontinued. No measurement should ever be made unless where there is good reason to believe that the occupant has passed his limits and included in his field land not belonging to it.

9. My principal object in visiting Tanjore was to ascertain whether there was any inseparable obstacle to the making of the Revenue settlement by a fixed money

assessment and whether such a settlement would be acceptable to the people. The danger of prices falling and remaining low for several successive years has always been the main objection to a fixed money assessment. From all that I could learn on the spot, during my short stay in the Province, it appears to me that the Mirasdars or land-owners but particularly the more substantial ones are in general desirous of having a fixed money assessment on the land provided it be moderate and of being relieved from all interference except in the collection of their rents.

10. The establishment of a fixed money assessment ought to be more easy in Tanjore than in most other provinces because none of them have a supply of water so certain and abundant as Tanjore has from the Caverry and because the distribution upon the Mirasdars severally of the sum imposed upon the villages which in most other provinces is the most difficult part of the process is in Tanjore the most easy, because the relative value of lands or fields to each other having long been known and the share which each Mirasdar was to pay of the whole assessment having long been settled among themselves they would continue under the fixed assessment whether it might be higher or lower than the present or any former one to pay according to the usual proportions and each man would take care that no more than his fair share was imposed upon him.

[Arbuthnot has published the remainder of this minute on PP. 268—272 in the edition of 1886].

## 29. The Native Pension Fund.

(Public)

*9th March 1827.*

The Honorable Court of Directors in their letter of the 11th June 1823 have desired that, should the Original Native Pension Fund not have been abolished, it be continued under the Regulations submitted to Government on the 25th of March 1817, subject to such amendments as may be deemed advisable, but that in the event of its having been abolished Government should consider and adopt the best means for reinstituting it.

It is the duty of the Government to carry into effect the intentions of the Honorable Court as far as may be now practicable. But after again reading every document connected with the subject from first to last, I still continue to think that the measure is not only unnecessary but hurtful to the publick service. I think also that even if the measure were in itself without objection we have not in this Country the means of conducting it properly or so as that it shall not produce more evil than good.

The Honorable Court do not think that the Native servants except in very few instances have the means of laying up any provision for their families ; and they believe that those who have any are more disposed while in office to spend the surplus on charity and maintaining the poor relating to them than in saving, they do not admit that publick servants ought to be assimilated to

private, in being left to depend upon parsimony and their relations and think that they have a claim to a certain extent upon the state. I never saw any objection to this claim but I saw very serious objection to its being by means of a Pension Fund artificially augmented to an unmanageable extent which it has been for some years. Long before the Establishment of the Pension Fund claims of real distress were heard and I believe better satisfied than at present because they were not overwhelmed with a mass of those of another description and the claims of long and meritorious service were not less attended to than now. The Pension Fund will not provide better for either of these classes than was done without it. But it will certainly do what was not done before, it will provide for the families of the thoughtless and improvident at the expence of the careful and frugal and I agree with the Committee of 1817 in thinking that it will among the great body of the Native servants have a bad effect in lessening their present habits. It cannot be the opinion of the Honorable Court that saving is very rare among our Native servants. I believe that it is very general among those whose pay is small and that there are few who when old have not even from their own savings or the aid of children or relatives the means of subsistence, or whose families after their death have not from the same help the means of maintaining themselves. If we suppose with the Honorable Court that few servants can save, there would then be few whose families would not require Pensions, and Pensions could not be given to a few by withholding them from many who required them as much as themselves. This is

I believe what must happen and what must always in a great degree happen in the distribution of pensions founded on our imperfect estimate of the circumstances of our native servants.

The stoppage of the Pension Fund is said by the Honorable Court to be only the reinforcement of a moral obligation. It is a nice point to determine where Government ought to interfere in the enforcement of moral obligations. In many cases it is but to leave the observance of them to the discretion of the party and the present appears to me to be one of those cases. Were it certain that Government would discover the objects really entitled to the Pension and grant it accordingly, there might be some ground for interference ; but as it has no means of effecting this there can be none more especially as there can be little doubt that it will often add to the distress of families by bestowing on others the stoppages made from their Head which might otherwise have been saved for their own benefit. One main objection to the Pension Fund is that after appropriating the whole whatever may be its amount we shall not provide for all the families claiming aid, but on the contrary we shall have more families claiming on account of distress than if no such Fund had ever existed. In little more than eight years from the commencement of the payment of the Pensions till 1819-20 they had reached the sum of Rs. 4,957-15-0 which exceeded the sum originally allotted for their payment composed of the whole of the annual subscription in the sum of Rupees 707-0-3. There was then 290 new claims for decision and had the payment of pensions not been limited there

can be no doubt that the new claims would in a very few years have swallowed up the remaining half of the subscription. We should then have had no means of paying now except from the lapse of old Pensions, while there would have been no sensible abatement of the claims of distress ; much distress has been relieved by the Fund but more I imagine has gone unrelieved. The system itself produces and augments distress by encouraging thousands to depend on the Fund rather than on their own exerting. If we persevere in attempting to carry on such an unmanageable plan we shall receive no gratitude for what we give but much censure for what we withhold and the censure will not be without ground, for we shall from our ignorance as often reject as take the real object of charity.

The Pension Fund among its disadvantages has a tendency to prevent the dismissal of bad servants, for though a servant is found to be unfit for his duty from negligence, incapacity or other cause there is often a reluctance on the part of his superior to dismiss him, because it is thought hard to deprive a man of his employment after he has paid stoppages for several years. There is also another inconvenience attending the stoppages, namely that in many instances it is doubtful whether they are real or nominal. The rates of pay are so various and fluctuating in every rank above that of a peon that there is reason to apprehend that they will be gradually increased so as at least to counterbalance the stoppage. At the Presidency where the duties are of a more fixed and uniform nature this is not so easy. But in the Provinces the case is different and the fluctuation

in the rates long continue there because it will be very long before such an uniform system of order can be introduced as will enable us to fix the rates of pay for any considerable time.

Our knowledge of every district is more or less imperfect, investigations must be carried on to enable us to bring them into better order and the pay of the Natives employed must be regulated by their qualifications and not by any invariable scale.

I have hitherto been speaking of the Family Pension Fund. I shall now make a few short remarks on the proposed Superannuation Fund which was disapproved of by the Committee of 1817. I have strong objections to both the Funds, but of the two I have the least to the Superannuation, because it is much simpler much easier in its management and much less liable to abuse than the other as we can always ascertain when a servant is superannuated, though we cannot, whether a family be in distress or not. Notwithstanding their advantages I am averse to the introduction of this Fund because I am averse to every new Establishment whose utility or necessity is not obvious. Superannuated servants having claims upon the state know that they will always be attended to, and it would be better that they should be defrayed from the Treasury than from a subscription Fund. The pension in this way would be honorable and more acceptable to the pensioner. If it be given from a Fund however moderately and cautiously given at first it will soon be given with profusion and exhaust the Fund. The Heads of Departments and Officers who recommend would be partial to their own servants. The very

circumstance of there being a Fund for the purpose would make them more liberal in proposing the reward would make them gradually become less severe in their estimate of publick merit and in time think it hard to exclude almost any man of a tolerable fair character.

It may be said that Government can prevent any unnecessary expenditure in this respect. It certainly can if it gives sufficient time to the subject but if we are to judge from experience on all similar matters it certainly will not because it could not possibly find time for the requisite enquiry. Were superannuation to be determined solely by length of service the difficulty would be lessened. But as decay of sight and other infirmities must have a place the difficulty will continue. There is in the system itself a principle of profusion in the encouragement which it gives to constant claims. Government cannot be always on its guard or at license to examine them in detail and they will undoubtedly soon swallow up the Funds.

The Family Pension Fund was never thought of until August 1807 when it was first casually suggested by the Committee of Finance, no inconvenience had ever been felt from the want of it during the long previous existence of our Native Establishments, no recommendation of it, no call for it, had ever come from any quarter, the opinions of every Commitee employed upon the Fund have been against it. The Committee of 1813 pointed out the great difficulty of deciding upon claims and how little aid could be derived from the recommendations of Heads of Offices. The Committee of 1817 expressed great doubts of the utility of the institution.

They shewed that it occasioned great and continually increasing labour and that from the lapses annually occurring in a body of 36,000 subscribers, it would in time become a business of immense detail and that it tended to corrupt the moral feelings of the Natives, and they requested that some other permanent arrangement ought be made for the management of the Fund as it occupied too much of the time required for their other duties. When I hear such opinions from a Committee composed of men remarkable for their application to publick business, I am satisfied that by establishing a pension Fund we are needlessly involving ourselves in a mass of useless and interminable labour which will waste the time of many publick servants, which will lead to expences which we do not foresee and which Government will not be able to prevent or even check in any degree without neglecting its more important duties.

As I disapprove entirely both of the Family and Superannuation Pension Funds I have thought it right to state the grounds of my opinion, but as the Honorable Court have directed their continuance or reinstitution, it only remains for the Board to carry their orders into effect in the way most likely to produce the benefit contemplated with the least injury to the service and the least waste of public labour. I am not aware that any better plan can be devised for this purpose than that which has been already suggested of excluding the lower classes of servants from the Family Pension Fund and not admitting any claim to superannuation until after thirty years service. It will not be sufficient to exclude peons and servants whose pay is under three

**pagodas; the exclusion ought to extend to all servants whose pay is less than Pagodas eight or Rupees twenty eight and to all who do not belong to establishments of a permanent nature whatever the amount of their pay may be.**

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### 30. The Nilgiris for a Sanatorium.

(Public)

*28th May 1827.*

The Board have already refused the offer made by Mr. Sullivan of his House on the Nielgherries as an Hospital for European soldiers in consequence of the Report made by the Medical Board of its not being adapted for that purpose. But though I am satisfied that it is unfit for an Hospital I think that it might be of great use in furnishing accommodation for sick Officers.

Even if we had a good Hospital on the Hills the want of supplies and the difficulty of bringing them from below would render it almost impossible to provide in a suitable manner for the wants of sick soldiers. This can never be done even in the most limited manner until supplies become easily procurable by its being an object for private dealers to provide them. The most likely way to attain this end would be by giving every facility to Officers of Civil and Military Service to visit the Hills for the recovery of their health. They require no assistance from the publick but shelter from the weather. They can find their own supplies and the constant residence of a certain number in succession would gradually encourage Bazarmen in the low country to make it their business to supply all their wants.

As the building of Houses on the Hills is from the want of materials and workmen of every kind attended with much difficulty and delay, I propose that we should rent Mr. Sullivan's House for two or three years. It is better built than any house that is likely to be erected on

the Hills for some time and would furnish accommodation at once for eight or ten Officers.

The Rent is Pagodas 140 monthly the whole or the greater part of which would probably be repaired by the tenant, but even if nothing were recovered the charge would probably be fully counterbalanced by the probable effects of the measure in saving life, and in saving the expense of a voyage to the Cape or to England. The Reports of Medical men on the climate of these Hills which we have hitherto received are highly favourable to its healthfulness, especially in restoring constitutions enfeebled by climate rather than broken down by disease. It is highly probable therefore that many young men would be saved by a year's residence on the Hills who would otherwise be inevitably lost, and that many Civil and Military servants whose constitutions have suffered from a residence of some years in the country would by a residence of some months on the Hills obviate the necessity of going home.

The number of subaltern Officers of the King's and Company's service who have proceeded on sick Certificate to Europe and who have in consequence received passage money in the last three years are as follows :—

1824	....	Kings	31	....	Company's	40
1825	....	do	15	....	do	43
1826	....	do	16	...	do	56
Total ...			62	139		

which at Rupees 1,500 each is Rupees 301,500 or about

a Lac of Rupees annually. If only a very small proportion of these Officers could be restored to health by a temporary residence on the Hills instead of a Voyage to Europe the charges incurred by Government would be amply repaid. We have not obtained all the information regarding the climate of the Hills that might have been expected because the Medical Officers in charge have been hitherto very young men and their residence but of short duration. It would probably require a long continued course of medical and scientific observation conducted by a competent person with the assistance of an adequate establishment of servants and the proper meteorological apparatus to determine fully on the capabilities of the climate of the Nielgherries. It seems therefore advisable that we should station permanently on the Hills a Medical Officer qualified to make the necessary observations on their climate. I propose that Mr. Haynes be selected for this purpose and be appointed to the medical charge of the Nielgherries with a salary of Rupees 350 and the usual Palenkeen allowance and Rupees . . . for servants and Medicine.

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## APPENDIX B [Continued]

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### (b) THE DESPATCHES OF THE COURT OF DIRECTORS TO MADRAS. (1800—1830).

#### *(Fresh and Relevant Selection)*

1. The New Outlook of the Company.
  2. The Civil Service.
  3. The Settlement of Land Revenue.
  4. Policy towards Poligars.
  5. Service Lands.
  6. Religious and Charitable Lands.
  7. Control over the Collector.
  8. Frequent Transfer of Collectors.
  9. Introduction of Rayatwar Settlement.
  10. Introduction of Munro's System of Judicature.
  11. Public Works.
  12. Intemperance among Indians.
  13. Corruption in Public Service.
  14. Government Expense for Religious Ceremonies.
  15. Service Lands.
  16. Educational Inquiry.
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## 1. The Dawn of a New Outlook of the Company.

(Revenue)

*5th August 1796.*

13. We will not however risk any injury to the investments by giving you any positive order upon the subject but at the same time we recommend to your serious consideration whether, in addition to the measures you have already adopted, of abolishing the Loom Tax, and taking off several obviously impolitic duties, of which, in our commercial letter of last season, we have already signified our approbation, the condition of the weavers might not be the further ameliorated, and instead of the present compulsion their labours might not be secured to the Company by emulation and inclination, our meaning is that you should take an enlarged view of the subject, not merely as Merchants, partially interested in the provision of an Investment but as sovereigns, more deeply concerned for the general prosperity and happiness of the country.

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## 2. The Civil Service.

(Revenue)

*4th October 1797.*

36. We approve of the Resolution advised in these paragraphs and being more and more convinced of the absolute necessity of our servants acquiring a knowledge of the country-languages. We approve of your having given publicity to this resolution and direct that it be implicitly observed. The fact cannot be concealed that there is a backwardness in our servants upon your coast to prosecute the study of the country languages, so as to enable them to transact business with the natives without the aid of an interpreter. But convinced as we are, and have repeatedly so declared, of the absolute necessity of this qualification, in the due and faithful discharge of the active duties in the Revenue Department, we further direct that, in failure of meeting in the civil line of the service persons so qualified for Collectors and Assistants, you endeavour to select from the military list persons so qualified. The conspicuous merit of Captain Read, in the collection of the Baramahal and Salem Districts, affords a strong argument in favour of the discretionary power we have given you of thus making your selections to Revenue offices from those qualified for the same, whether they be in the Civil or the Military line of the service. At the same time we think it necessary to declare that we have not the smallest intention to deprive our covenanted servants of those posts of honour and emolument which naturally appertain to the civil line in the various branches of the service particularly that of

the Revenue, provided they will qualify themselves for the due discharge thereof; and where pretensions may be equal, or the qualifications not very superior in the military servant, a preference is, in all such cases, to be given to the civilians, and should it hereafter appear that you have availed yourselves improperly of the power we have thus given you, by the appointment of any military man to the office of Collector, for the mere purpose of patronage, without his possessing such qualifications in a superior degree to those in the civil line of the service, we shall not fail to censure your conduct upon every such occasion in the most pointed terms, and to remove the person who may be so partially selected; and we shall be at all times ready to attend to the representation of our Civil servants, whenever they shall have cause to think that their fair and just pretensions to promotion in their own line are overlooked; or that an improper use has been made of the authority hereby vested in you. In truth our directions herein are intended more with a view of their operating as a stimulus to our Civil servants to qualify themselves for Revenue appointments by a competent knowledge of the country languages than as conveying any wish to see a Revenue station occupied by a Military officer.

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### 3. The Settlement of Land Revenue.

(Revenue)

*11th February 1801*

1. We have received your Revenue Despatch of the 22nd January 1800, referring us to minutes and proceedings preparatory to the introduction of a permanent system of Revenue and Judicature into the Company's territories under your Presidency, and we have perused with great attention the Report of the Revenue Board upon this important subject, with their subsequent instructions to the Collectors, and we have to express our approbation of the industry and abilities which the Revenue Board has displayed in the investigation and elucidation of this extensive and complicated subject. We observe with peculiar satisfaction that they have fully availed themselves of the luminous information to be derived from the minutes and proceedings so ably conducted by Marquis Cornwallis and Lord Teignmouth at the time when a similar institution was under the consideration of the Supreme Board at Calcutta.

2. An early attention to this subject has been necessarily pressed upon our consideration by our reference to a letter from Bengal in their Judicial Department dated the 5th March 1800 addressed to your Presidency. By that letter you are directed to proceed to the permanent settlement in question without any clause suspending its final effect, and that it should receive ultimate sanction. As this injunction was so different from what occurred at Bengal when the measure was executed by the able Government which at that time presided

over our councils in India, we were naturally led to pause before we could thus agree to give out of our own hands, the final decision upon a subject of such deep importance to our interests in India. But upon mature reflection after a revision of what took place at Bengal, and after an accurate perusal of the proceedings already held at Fort St. George we have come to a decided opinion to concur in the instruction you have received from the Governor General. Particular cases may occur in which we may regret that the final correction of error did not remain with us, but this inconvenience, if it should prove out, is so much more than counterbalanced by the danger which might accrue to the whole system, if a doubt of its permanency was in the early stage of its execution created in the minds of the natives of India, with whom these transactions are to be carried on. Our doubts have subsided and we rest confident in the conviction, that our interests will be best secured by giving to our Governments on the spot the confidence which their abilities and integrity do justly merit.

3. In addition to this general confidence two considerations have naturally operated upon our decision. In the first place the subject is not a new one. The leading principles of the measure have already received our sanction in our letter to the Bengal Government of the 19th September 1792, when the business with the luminous information which attended it was fully before us and maturely considered by us. The general principles, therefore, being recognized, it is only the detail and execution of those principles which we leave in your hands ; and there can be no doubt that such detail can

with infinitely more advantage be conducted on the spot than by the ablest investigation we can give to the subject at home.

4. But although we have thus vested you with full power to proceed in the final execution of this permanent arrangement, there are a few general precautions which we deem it proper to recommend to your attention.

5. The first which naturally presents itself is that although we shall sincerely rejoice to see this measure finally completed we do not expect that you are to proceed in it with a precipitancy inconsistent with full and accurate investigation. You will always bear in mind that you are concluding a settlement which good faith and honor of our Government require should be held for ever sacred and inviolable. It is a measure on which is to rest for ever the extent of our interest in the extensive landed property entrusted to the care of your Government. In proportion, therefore, as the decision you are to pass is permanent and irrevocable, in the same proportion ought your previous enquiry to be accurate and your information to be complete.

6. In the next place it behoves you to attend in a particular manner to the different situations of landed property, not only of different Provinces and Districts, but of different estates in the same Province and District. You will certainly err if it is supposed to be necessary that whole Provinces and Districts should be settled with at the same time. The information respecting one estate in a District may be so complete while that of a neighbouring estate was so imperfect as to

create great inequality, if to save further trouble of investigation it should be thought material to arrange with both of them at the same time. From the nature of the business execution of it must be gradual and progressive, and not doubting that you will give to the subject your unremitting attention, we can only in general say that we shall be much more satisfied if you can report to us that it is well done than that is quickly done. It is impossible to have perused the Report of the Revenue Board without being satisfied that the detail of this business is of a most extensive and complicated nature, and impressed with that reflection it is equally impossible for us to indulge any impatience under the lengthened period to which the necessary investigation may extend.

7. The mention we have just made of the Board of Revenue naturally leads us to advert to another observation arising from what is stated in various parts of that Report. There is a material difference betwixt the state of the several provinces in the Carnatic and those of Bengal where the measure of a permanent settlement was first taken into consideration. The Bengal Provinces were infinitely further advanced in the habits of order and subordination to Government than most places in the Carnatic; and certainly much more so than in the generality of the Polygar Provinces or the Northern Circars. They are not so ripe for the reception of those benefits and blessings intended for them as if they were more accustomed to the habits and feelings of civilized society. There is a material circumstance to be attended to in the conduct of this important measure. Any attempt to introduce a regular system of order or just

sentiments respecting the value of permanent rights would be idle and nugatory till once their minds were to a certain extent prepared to feel the importance of the benefits they were about to receive. The first object, therefore, is to establish the authority of Government itself in the different Zemindaries before you attempt to invite them to participate in the advantages you are authorized to confer upon them. This never can effectually be done till you have suppressed that spirit of rebellion and insubordination which is so conspicuous in many parts of the Northern Circars; and it is of the first importance to the attainment of that object that all subordinate Military establishments should be annihilated within the limits now subject to our Dominion. The countries to which this observation applies must be brought to such a state of subjection as to acknowledge and submit to this principle. As they must be indebted to our beneficence and wisdom for every advantage they are to receive, so in like manner they must feel indebted solely to our protection for the continuance and enjoyment of them. We hold these truths to be so incontrovertible as to preclude all expectation of any benefit to be expected from an attempt to introduce either a permanent system of land tenure or the exercise of a regular judicial authority till once this essential preliminary is secured.

8. Having laid before you those observations, to which your attention is specially directed, we think it further necessary to observe that although we have thought it proper for the reasons which have been stated, to vest you with the power of finally concluding with Zemindars and other Land Proprietors for a permanent

settlement of their respective rights and properties, it is not meant thereby to divest ourselves of our controlling authority, in the other various collateral points connected with this business, and therefore so far as concerns the regulations for the exercise of judicial authority and in so far as concerns the nature of the establishment to be formed and the expenses attending them we expect to be accurately informed, and to exercise our judgment as usual on the suggestions you may have occasion to submit to us, and we must reserve to ourselves the final consideration of the excess or inadequacy of the pecuniary charges, which the execution of those measures may bring on our finances.

9. We do not mean, however, by this precaution to doubt your attention to a due economy, so essentially necessary in the present state of our finances; neither do we desire to have it supposed that it is our wish, that while so great and confidential trusts are to be committed to our servants you should hold out rewards and compensation to them, other than what are liberal and corresponding to the trust reposed in them. Our sentiments have often been expressed on that topic, and they are particularly applicable to the nature of those trusts, which must arise out of the measures now in contemplation. In those trusts it is essentially requisite that all emoluments should be open and avowed; they cannot be so unless they are adequate and liberal. Although therefore, we recommend economy, it is that rational economy which is applicable to the subject, but by no means a narrow system incompatible with the important objects in view.

10. It is only further necessary at present to add that, from the nature of the business to be executed, it is obvious that the successful execution of it must ultimately rest on the accuracy and integrity of the enquiries to be conducted by your Collectors and other officers subordinate to our Board of Revenue. If any of servants now in those situations are, from a defect of talents or any other circumstances, unequal to the execution of the duties they are called upon to perform, they must be removed and others capable of doing the duty substituted in their room. It is to you we look for the accurate and successful execution of this great work, and with you, therefore, must rest the responsibility which belongs to you in the selection of the instruments by which it is to be accomplished.

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#### 4. Policy towards Poligars.

(Revenue)

*10th April 1804.*

19. We have attended to Major Munro's representations relative to the Poligars who inhabit the Ceded Districts. Upon the general subject of the Poligars we have been uniformly of opinion that their military power ought to be gradually annihilated, and that they should be brought by degrees into proper subjection to the Company's Government. We are concerned that the turbulent and refractory conduct of the most powerful of these in the Ceded Districts rendered it necessary, in our opinion, for the Commanding Officer, Major General Campbell, to effect their expulsion, and that he should have been invested with extraordinary powers for securing the peace of the country. We notice, however, with pleasure the good effect which these measures have produced on the conduct of the remaining Poligars. But whilst we admit that cases may arise to which the most prompt and vigorous measures ought to be opposed, we should prefer the adoption of those of a more lenient nature, whenever the same can be resorted to with a reasonable prospect of success. Upon this principle, we must object in the most decided manner to the conduct adopted by Major Munro with respect to the Poligars on adjusting the late settlement and his assessment of them at the highest Peishcush which they had ever paid either to the Nabobs of Cuddappah or to Hyder, and his subsequent intention if they should not discharge the assessment imposed, which in the present state of the country and in the opinion of Major Munro himself they would be unable to do, to proceed to extremities with

them and entirely to disposses of their lands. This is not the system of Government which we are desirous of establishing among the Company's tributaries. We would reconcile them to our dominion and attach them to our interests by more gentle acts. That such a principle of conduct should have suggested itself to Major Munro's mind is to us a matter of emphasis and regret. We are disposed to entertain very favourable impressions of his zeal and ability in the discharge of his public duty; but we trust that he never will hereafter aim at accomplishing any purpose by such means. Were even the policy of dispossessing the Poligars clear and indisputable (which we can by no means admit to be the case), we are confident that Major Munro would, upon reflection, himself revolt at the idea of effecting it by a course of proceeding so disingenuous and indirect. Under these impressions we desire that all future settlement with the Poligars may be carefully proportioned to their actual means and every endeavour made to ensure their future fidelity by the moderation and justice of our demands and by a course of Government combining conciliation with firmness. That our veiws on the present important subject may be most clearly understood, we think it necessary again to declare that our wish is to uphold and preserve the Poligars in their rights and enjoyments in the soil, whilst we gradually aim at the reduction of their Military power, and endeavour to wean them from those feudal habits and principles, which have already been found in India as well as at home inconsistent with the public tranquillity and the strongest impediments to the progress of industry and civilisation.

## 5. Service Lands.

(Revenue)

*30th August 1809.*

32. The principle of awarding long and faithful services is one about which there can be no doubt and on the presumption that Vidagherry Pilla, the Head Native servant under the Board of Revenue, has entitled himself to the liberal consideration of the Company we approve of your granting him a remuneration for his service, but the mode which you have adopted on this occasion of rewarding services by grants of land to the first renter and his heir in perpetuity appears to us liable to weighty objections and admissible only in extraordinary cases where some uncommon benefit has been derived by the Government. We should indeed prefer remunerating services by money pensions rather than by lands, but whether such remunerations are conferred in money or in land, they ought in our opinion to be confined in their duration to one, two or three lives, according to the merits of the person in whose favour they are granted. Entertaining these sentiments we have read with great satisfaction the 192d and following paras of your letter in the Revenue Department dated 24th December 1807 in which you appear to have adopted the suggestions of the Revenue Board to the effect above stated and we positively direct that no grant of land be made in perpetuity without our previous sanction,

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## 6. Religious and Charitable Lands.

(Revenue)

*30th August 1809.*

169. With respect to lands the Revenues of which are appropriated to the support of the religious or charitable institutions, we see no objection to the restoration of the management to the officers or priests of these institutions, especially as we understand such an arrangement will be more conformable to the practice of the ancient Hindoo Government before the subjection of the country by Hyder Ali than the system introduced by the late Mysore Government of collecting the Revenue of these lands by its own officers and disbursing the same from the public treasury. We are desirous of avoiding the exercise of any superintendence or control over the funds arising from such lands except what may be necessary to prevent them from being misapplied or dilapidated and we do not think ourselves obliged in years of scarcity to make good any deficiency in the Collections occasioned by drought inundation or by any other casualty whatever.

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## 7. Control over the Collector.

(Revenue)

*18th December 1811.*

12. We have frequently had occasion to express our approbation of the meritorious conduct of Col. Munro but it is not for the benefit of our service that unauthorised expenditure to such an extent should be permitted on the part of any Collector and, without meaning to dissent from the opinion that greater latitude of action and more discretionary power may be safely granted to one man than another, a Government should never forget in judging the conduct of its justly confidential servant that the maintenance of a system of checks without reference to individual character is absolutely necessary for the public good and that a departure from this system in one instance may lead to a general and highly dangerous relaxation of its control which may be exceedingly abused in another.

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## 8. Frequent Transfer of Collectors.

(Revenue)

*16th December 1812.*

80. Such frequent changes of the persons employed to carry the plans of Government into execution ought carefully to be avoided, but more particularly so when an object of so delicate nature as a transition from one scheme of management to another is in prosecution. For nothing can enable a Collector so successfully to contend with that host of prejudices which in the minds of the natives is always arrayed against innovation, with those false and interested representations which they are so prone to practice and with the artifices and frauds of the cutchery servants, as weight of personal character founded upon known probity and humanity, combined with that influence which can only be derived from experience and intercourse with various descriptions of people over whom the authority extends.

81. We are far from wishing that the avenues to preferment should be closed against merit, where-ever it is conspicuous among our servants, but it never ought to be forgotten that as well in placing as in removing them the public interest should at all times be a consideration paramount to every other.

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## 9. Introduction of Rayatwari Settlement.

(Revenue)

*16th December 1812.*

1. Our last Despatch in this Department was dated the 18th December 1811.

2. On the 21st July last we received by the Baring your Revenue Letter dated the 29th February 1812, and shall reply to it in detail after we have had time to examine your consultation upon the various topics to which it relates.

3. We embrace, however, the earliest opportunity of apprizing you of the regret we have felt at the deficiency of the information conveyed in your last letter respecting the general state of our Revenues, more especially after the long suspension of your correspondence in this Department. We naturally expected that after suffering an interval of more than two years from the date of your preceding letter (the 6th February 1810) to elapse, you would have made a point of transmitting the most ample intelligence that could be procured down to the latest possible period, of the results of those settlements which were then notified to us as being in train, and about which you must have been aware that upon many grounds we could not but feel the liveliest anxiety, whereas in the Despatch lately arrived we find no information on that important subject that might not and ought not to have been communicated much more fully at an early period in 1811.

4. The intention announced by you in paras 195-258 of concluding a settlement of the Land Revenue in

the valuable and extensive provinces under the administration of your Government, upon village leases for ten years, and provisionally in perpetuity, involves considerations of so much importance with respect to the future resources of the state, as well as the prosperity and eventual security of the actual proprietors, and of the cultivators of the soil, that we must express to you our surprize that you should have determined to adopt an arrangement of this kind without having first informed us of the success that had attended the experiment you had already made, of leases upon this principle for three years, and thereby have enabled us to have conveyed to you our final orders. If anything could add to that surprize, it would be the very extraordinary and unwarrantable discretion assumed by the Board of Revenue, as appears from their report of the 30th January 1812, but which you pass over in silence in the Despatch before us, of having, of their own accord, issued instructions to the Collectors of several districts to form village leases for the term we have described to become, at the expiration of term, perpetual and this subject to no reservation whatever rendering the permanency of such leases conditional, with reference to the eventual approbation of the Government at home, an omission which we conclude from the terms of your letter, must have been afterwards supplied, in consequence of the general resolutions you come to on the proceedings reported to you by the Board of Revenue. Two reasons are assigned to by the Board in their general report of the 30th January 1812, for having acted in the manner they did. The first of these reasons we give in their own words. "It

might possibly be considered that discussions involving so important a measure as that which was in contemplation should have been laid officially before the Honourable the Governor in Council and his Orders obtained previously to our issuing any instruction upon the subject to the Collectors. We remarked if the early establishment of a system of permanency upon the principles recommended should receive the approbation of the Hon'ble the Governor in Council of which possessed as we were of his sentiments in favour of the measure we entertained little doubt, it was obviously of importance that the Collectors should be in possession of instructions as soon as possible." We consider the statement to be most unsatisfactory, for, in the first place, we cannot conceive any good reason why an earlier communication could not have been made to you by the Board so as to have received an answer in due time from you, on the subject of the arrangements to be made on the conclusion of the triennial leases, and in the next place, it is highly objectionable for the Board of Revenue a subordinate authority to have proceeded to the adoption of decisive measures, in a matter of so grave and serious a nature, on unofficial intimations made by the Members of Government. Such a line of proceeding is necessarily destructive of all responsibility and cannot [but] be too strongly disapproved and discountenanced.

5. The other reason adduced by the Board for having taken upon themselves to authorise the decennial leases to be considered as permanent on the expiration of them, without any reference to the final approbation of the Government at home, is that the orders from us

“tending”, as they express it, to prohibit the further extension of a permanent settlement without their authority related to the Zemindary settlement the extension of which was not completed. The directions however which we have at different times conveyed to you since the first introduction of settlements in perpetuity, against the extension of such arrangements without our previous sanction, will be found to have a clear and explicit reference not to the principle on which arrangements of that nature should be founded, but to the importance of deferring an unalterable adjustment of the public demand on the land, until every necessary information should be obtained of its value and resources and of the rights of those connected with it, and if any new arguments were wanting to convince us of the necessity there was for furnishing you with those instructions they would be supplied by the facts and conclusions contained in your Dispatch now under reply, upon which we shall have further occasion to remark in this letter. The Board of Revenue are not less incorrect when they describe our orders on the above subject, as tending to prohibit the formation of permanent settlements, without our sanction previously obtained ; for not only did those orders from the first, which we transmitted to you on the 11th February 1801, evince a disposition more and more adverse to any early proceedings for extending the measure further than it had hitherto gone, but, in several instances, they positively restricted you from so doing. We here particularly allude to the instructions contained in our Revenue letters of the 21st July 1802, of the 10th April 1804 and of the 20th August 1809. In the

former of these letters, after expressing our hope that it would reach you before any considerable progress should have been made in the actual conclusion of the permanent Settlement, and directing that, in such Districts where it had not been finally arranged, the measure should be suspended until you should have been able to ascertain whether every possible degree of information had been obtained as to the real value of their resources, we added, "we at the same time think it proper further to direct that a permanent settlement of the Revenue in the provinces of Malabar and Canara and of the lands lately ceded by the Nizam, be not concluded until all the previous measures leading thereto shall have been specifically reported to us, accompanied by every possible information that can be procured upon the subject." These orders were repeated in our letter of the 10th of April 1804, in the following paragraph. From the peculiar circumstances connected with the Revenue of the provinces of Malabar and Canara, and of the Districts ceded by the Nizam, we have already directed that a permanent settlement of the lands in those Districts be not carried into execution without our previous sanction we now repeat. We much fear that the state of those countries and the defective information which we at present possess of their real resources or what they would produce under proper management will not admit of the introduction of a fair and adequate settlement for some time to come, and in the last of the Despatches to which we have referred, dated the 30th August 1809, in answer to paras 111 and 117 of your letter in the same Department of the 21st October 1806

which represented to us that the Ceded Districts were prepared for a permanent settlement we observed as follows: Our leading motive in adopting the great measure of settling the lands in perpetuity was to improve the condition of the native subjects of British India; and this motive has still all its original influence on our minds; but many weighty considerations connected with this system, and the experience already had of it when it has been longest in practice, recommended great caution in the extension of it particularly in Provinces yet imperfectly known by us. Notwithstanding therefore the opinion you appear to entertain, we are much disposed to proceed with more deliberation to a permanent assessment of those districts, and you will therefore consider our former directions, reported in our letter of the 10th April 1804, prohibiting the conclusion of a permanent Settlement in these districts without our previous sanction, as still in force. We also, in the same Despatch, positively refused our sanction to the adoption of that measure in the northern division of Coimbatore. The arrangements therefore that have been made in the Ceded Districts and in the northern division of Coimbatore, although rendered by you conditional as to their eventual permanency, are clearly in violation of our orders.

6. If our instructions under date the 10th December 1811 should have reached Fort St. George before you shall have finally carried the arrangements into effect which you have communicated to us in your present Despatch, we must conclude that the opinions we therein expressed will have caused you to have resumed the

consideration of that question, and in that event we shall expect either you will have desisted from your purpose or if you shall have proceeded with the execution of it, that you will be able to show us that cogent reasons have induced you to disobey our orders.

7. The doubts which we entertained upon this very interesting subject have since been greatly strengthened by the observations of the Governor General in Council who in a letter of the 14th December 1811 on the subject of the Revenues under the Bengal Presidency has stated that errors of considerable magnitude have been committed in forming the permanent settlement of the lands under that Presidency, but our attention has been arrested in a still greater degree by the judgment you have passed in the letter to which we are now replying against the system of permanent rents that was established in the Havelly lands of the Northern Circars and some of our modern possession under your Government for which [?] we certainly concur in the opinion on [?] which you have pronounced against the Mootahdarry system of your Board of Revenue and under the authority of the Supreme Government, [?] we are not able to distinguish any substantial difference between that system and the one you have proposed and, as we find, have already authorized to be carried into effect.

8. The Potal or Head man of village was considered to be eligible under that system, to the more elevated situation of being constituted a Mootahdar of a district comprehending many villages, and thus becoming in point of fact a Zemindar placed by our creation in

power and authority over the Potails of these villages and over all the Proprietors of lands within his Mootahdarry.

9. In the plan which you adopted of triennial village leases, and which it appears by your letter of the 29th February 1812, you had allowed to be extended to the lengthened period of ten years, the situation of a Potail is changed from that of being the head man and hereditary officer of a village in which there may be, and generally are, other landed proprietors into a tenant *in capite* of all the village, the other proprietors becoming accountable to him, and therefore, of necessity, falling into the situation of under-tenants. The difference between the two systems appears to us to be in degree, and not in principles both having a tendency to affect the interests, feelings and rights of the small landed proprietors.

10. In the permanent settlement of the Bengal provinces, the protection of the Ryots against the oppressions and exactions of the Zemindars was justly held to be the mainspring from which the improvement of the country and of its internal resources was to be expected, and an express provision was accordingly made in the Regulations that were passed when that settlement was formed, and the principles of it promulgated requiring Puttahs should be given by the Zemindars to the Ryots. There are, however, but too strong proofs in the records of the Supreme Government that this Regulation has almost become a dead letter. We have also before us in the reports of the Collector of the Province of Ganjam, made to your Board of Revenue in the latter end of the year 1807, a striking instance of the disregard of the Zemindars to the provisions of a similar Regulation

enacted by you, as applying to the Districts which have been permanently settled under your presidency.

11. The justice and policy upon which those Regulations were founded appear to have been distinctly in your contemplation by the 233rd paragraph of your letter of the 29th February 1812, in which you state that the general rules relating to the plan on settlement were, as soon as practicable, be formed into a Regulation, with the view that the rights of the Government and of the person with whom the settlement may be made, and of the mere cultivating ryots, may be clearly defined and that each party may be maintained by the Courts of Justice in their respective rights. But we must not conceal from you that the confidence we should have derived from the design therein expressed of ascertaining and guarding the rights not only of the proprietary Ryots, but those of the mere cultivators of the soil has been a good deal shaken by the words in the 73rd para, where, adverting to the Meerasdars or hereditary proprietors in the Districts of Tanjore, you say where the Meerasdars may refuse to accede to the settlement of their villages by either of the modes above set forth, agreements shall be entered into with the Paracodies or other ryots of the villages either for a ready money rent or money on the principles above mentioned and should neither the Paracodies nor other Ryots of a village agree to become responsible for the Jumma, the village shall be rented to such of the Meerasdars of the Talook or other responsible person as may be willing to engage, with sufficient security, for the payment of the Jumma for five years, thereby rendering the hereditary right of

the small proprietors if it should be found to interfere with the arrangement under the permanent settlement subject to be absorbed in the large right which you design to create and vest in the village renter; for though you qualify the proposition by leaving an opening for responsible ryots to be admitted into the provisions of the village leases the greater number of the ryots must, we apprehend from the smallness of their property, be precluded from participating in this advantage.

12. In our Revenue letter of the 24th August 1804, we observed that in forming the materials at a distant period, for a permanent settlement of the lands of Malabar and Canara, great caution should be used lest you interfere with rights which had hitherto been considered inviolable, or disturb those ancient boundaries of land-marks, which at that time, had determined the extent of the private property and by which the proprietors of land have been governed from time immemorial. In our Revenue letter also of the 6th November 1805, when referring to your request to be permitted to settle the lands of Canara in perpetuity and when noticing the strict regard due to the proprietary rights which individuals in Canara enjoyed in the soil, we took occasion to state "that not only ought this kind of right, where it was proved to exist, to remain undisturbed, but the perpetual settlement ought not for the sake of official or Revenue divisions of the country to place the small estates under any kind of subordination to the greater at all affect the boundaries of which property had hitherto been separated and distinguished.

13. We recite these passages because they show that, as soon as we were apprized by you that individual proprietary rights existed in any portion of the territories under your Government, we were most anxiously desirous that they should be respected and maintained. You have now recognised the rights of Proprietorship to be possessed by Meerasdars, and yet speaking of those in Tanjore, you say that where they may refuse to accede to the settlement of the villages by either of the modes above set forth, agreements shall be entered into with the Paracoodies etc., thus proposing not only to act in opposition to the principle of the 233rd paragraph of your letter of the 29th February 1812 quoted already by which you have professed your intention of being guided, but in disregard to the sentiments we had so pointedly conveyed to you in August 1804 and November 1805.

14. These considerations operate so powerfully on our minds that even if we could devise the means of removing the other objections which we felt against the measure you have submitted for a permanent settlement we should most reluctantly sanction its adoption and we do, therefore, most anxiously hope that the authority of Government may not have been extensively committed by you upon it.

15. As far as we can collect from your correspondence you seem to have been principally induced to propose the settlement upon village leases, on account of the supposed incompatibility of the judicial system which had recently been established in the unsettled Districts with the Ryotwar mode of collection. We applaud the principle which first suggested the introduction of that

system into the British possessions in India, and we venerate the character from which it emanated, but the experience of nearly twenty years in Bengal has furnished unequivocal evidence that it has not been possible by every practicable extension of the judicial establishment to render it adequate to the great end for which it was constituted, namely, the speedy as well as the impartial administration of justice but that, while the expenditure has been augmented from the sum of £ 222,000 at which the annual charge for the Province of Bengal, Bihar and Orissa not including the charge of Police and the diet of prisoners was calculated by Lord Cornwallis to the sum of £ 306,000 at which the correspondent expenditure had arrived in those Provinces by the accounts for 1809-10 and which by its extension to the Ceded or Conquered territories under that Presidency alone, amounted in that year to the alarming expenditure of £ 570,000 till the arrear of causes has gone on increasing until it has attained a height that calls imperiously for the application of some effectual remedy.

16. The growing accumulation of undecided suits under your Presidency, which at so early a period since the first introduction of the Bengal Judicial Code, as December 1807, appears to have amounted in the Zillah Courts alone to 31,482 should in its progress rather have directed your attention to the adoption of some mode whereby the process might have been simplified, and other causes of delay removed, than have made you solicitous for the extension of a system out of which that accumulation had arisen accompanied as it has been by an increase of expense which the resources of your

Government are not calculated to meet and which we find to have amounted at the same period of 1809-10 to £ 344,890 exclusive of the Supreme Court, the Police and the diet of prisoners at the Presidency, thus making the whole of our judicial charges in India, (if we include the expense of the courts under the Bombay Presidency being £ 45,950) to be no less than £ 1,261,344.

17. The expedients, which we observe, you have since adopted, for reducing the judicial arrears had been some years before resorted to by the Supreme Government; but they have not been found adequate to remedy the evil, which still continues to be extensively felt in the Bengal Presidency notwithstanding the further measures which have been more recently devised for the same purpose. We do not see any reasonable ground to hope that a better result will attend the application of similar remedies on your side of India. The delay of justice must in a great degree restrict the positive benefits that might otherwise be derived from the judicial system and must have the effect of inducing many persons rather to submit to injuries than to seek for redress under the discouraging circumstances of procrastination, waste of time, and uncertain though perhaps ruinous expense.

18. The incongruity which you represent to exist between the judicial system and the mode which formerly obtained of collecting the land revenue from each ryot through the officers of Government, we must confess, appears to us to be a species of objection to that mode of collection which may also be brought against a Zemindary or a village system of revenue management the only difference being this, that under a Ryotwar settlement,

the obstructions which are occasioned by the nature of the judicial process to the realization of the land revenues are experienced by the European Collector, whereas under the other kinds of settlement the inconvenience is transferred to the Zemindar and renters, who are less to seek the recovery of balances and the payment of revenue in disputed cases by the same methods and according to the same course. It is, therefore, as we conceive, the formality of proceeding in the courts of justice and not the manner in which the Government administers its territorial revenues that we must consider it to be the cause of those impediments and difficulties to which you have alluded in your Revenue Despatch of the 28th October 1808 and in the one now before us, as having rendered it, in your judgment, necessary no longer to continue the principle of Ryotwar annual settlement.

19. After the fullest consideration that we have been able to give to the important subject to which we have now adverted, we are led to think that we could not better consult the interest both of the British Government in India, and of the people living under its protection, than by resorting to an ancient usage of the natives in their village communities as well as for the adjudication of small suits and differences as for the management of the revenue, and that by giving the sanction of our authority to the administration of Potails or headmen assisted by the Panchayets to which the people have been accustomed, we should now provide efficaciously for the speedy and equitable decision of questions of limited value, than we could hope to do by any regulations to be carried into effect through the tedious

process of courts constituted in the principle of any Zillah tribunals.

20. We are aware that it may be said the Potails might pervert the influence which such a reference would give them and make it a source of oppression and vexation to their weaker neighbours, but every measure that can be devised and is to be administered by man is liable to abuse. It is the duty of Government to apply the best practicable remedies and corrections and it may reasonably be hoped that the exercise of a vigilant inspection and control over the native judiciary functionaries together with the aid of reward and punishment prudently applied would serve to restrain the unfeeling and corrupt and to encourage the honest and well disposed.

21. Colonel Read, Colonel Munro and other Revenue Superintendents under your Government appear to have availed themselves of the usage to which we have referred, and which has been sanctioned by immemorial custom, and all our inquiries induce us to be strongly of opinion that justice could not be administered in a way so consonant to the feelings and habits of the people, nor on the whole, so satisfactorily as through the intervention of the village Potails and Punchayets. We find the same opinion to be strongly maintained and enforced by Lieut. Colonel Wilks in his *Historical Sketches of the South of India* recently published in this country, as in an official Report which he made to the Bengal Government in 1799 on the internal affairs of the Mysore country. The sentiments which he has expressed on this subject were founded on practical observations made in the territories

belonging to the Rajah where, under the wise and efficient management of the Dewan Poorniah, the ancient institutions of the natives were preserved, but purged of those glaring abuses and defects which had crept into them under the rigours of Tippoo Sultan and his father Hyder Ally. Distributive justice appears from the accounts of Colonel Wilks to have been there chiefly conducted through the medium of the Potalis and punchayets and in his Report above referred to, he stated his firm belief—a belief which the facts and circumstances related by him seem fairly to warrant, that the substantial objection [sic] of justice and the protection of the people in their most important rights were obtained in a respectable degree.

22. In the view which you have presented to us of the Zemindary, the Mootahdarry, the villages and Ryotwar modes for conducting the affairs of land Revenue, the chief objection urged by you against the latter is its detail which though calculated to give minute information upon every point is supposed to be of too complicated a nature to be adopted as a permanent system for the territorial assessment of an extended dominion.

23. Colonel Munro when in charge of a part of the Baramhal and successively of Canara and Kuddappah and Bellari, which together comprised a large portion of the territory under your Government, did not find his administration impeded by the detail of this system. Your present secretary Mr. Thackery in the very valuable memoir he composed some years ago upon the land revenue management of the country distinctly answered the objection you have suggested. The detail must, he observes, be carried on by somebody. The question is therefore whether

it had better be carried on under Collectors or Zemindars. The detail will not be very complicated after the rents have been permanently fixed. The making of the Jumma-bandy is a grand source of fraud and trouble and difficulty. When that is done the collection will go of itself. Whenever this is fixed, detail does not much signify because it is the business of a few additional writers.

24. The remarks of Colonel Munro on this subject contained in his Report of the 15th August 1807, are equally appropriate. The chief arguments against the Ryotwar system are, he observes, the great detail of accounts and the consequent difficulty of management, the interference of the revenue officers in the cultivation, the expense of collection and the fluctuation of the public revenue. But there seems to be nothing very serious to these objections. When a country is surveyed and the rent of every field fixed, the accounts become perfectly simple; they are nothing more than a list of ryots and fields and if the ryots do not next year take new or throw up old land the same register will serve again. The accounts of the customs which yield so small a portion of revenue are infinitely more intricate and troublesome than those of the land rent. The additional expense of collection in the ryotwar settlement would be gradually compensated by the rent of waste lands brought into cultivation, and in other passages of his Report he observes that it is the system which has always prevailed in India, that no other can be permanent and that however different any new one may be it must resolve itself into it at least, that it admits of all gradations of large and small farms as

there are ryots who pay from one to one thousand pagodas and in the best to promote industry and to augment the produce of the country.

25. The elaborate and judicious Report of Mr. Place upon the Jaghire is an evidence in confirmation of the foregoing observations and all tend strongly to oppose your opinion and to recommend the ryotwar mode of management as the most expedient to be adopted with a view to the equal assessment of the land revenue while at the same time it affords the opportunity of applying the correctness of economy and of expedition to the administration of justice and has a necessary tendency to stimulate the industry and enlarge the views of the hereditary proprietors and to strengthen the confidence of all descriptions of the natives in our Government.

26. The example of Canara may be adduced in corroboration of what we have advanced from other authorities. This province appears from the reports of the Collectors to have arrived at a high state of improvement and its inhabitants to be in possession of the substantial benefits which invariably accompany the independent feelings of proprietary right and personal security. The beneficial influence of the ryotwar system may be considered to have been brought to a most satisfactory demonstration in Canara, and we are strongly encouraged by the examination we have made into the official communication of your Collectors to hope that the adoption of that system in the unsettled Districts would at no great distance of time produce a spirit of industry and extension of agricultural undertaking

and with it an augmentation of the public revenue similar to what has taken place in Canara.

27. The Minute of Lord William Bentinck recorded on your Revenue Consultations of the 28th November 1806 so immediately bears upon this subject and perfectly coincides with the sentiments we have here expressed, that we are induced to make the following quotation from it: "From the first transfer of Canara to the British authority it has continued a solitary example, I believe, of tranquillity, of an early and regular realisation of the revenue and of general prosperity. The causes of such happy effects are in my opinion to be found in the tenure of the landed property peculiar to the province and in the moderation with which the rights of the Circar to a proportion of the land Revenue have been exercised. The local situation of Canara is no doubt favourable to the advantageous disposal of its produce and a strong secondary cause of its state of agricultural improvements. But the two first circumstances I conceive to be the primary cause of the prosperity of Canara. These causes appear to me to contain principles of prosperity wherever they may be introduced.

"I had been early impressed with the great advantages of the Ryotwar Settlement as an annual settlement. These advantages consisted in the equal distribution and the defined amount of the land tax and upon the security afforded to the poor against extra assessment from head inhabitants. Every man knew his exact obligations to the Circar and was assured of the quiet enjoyment of the surplus produce of his labour. Hence arose the true

encouragement to industry and from this principle has flowed increased cultivation and contrasted with the revenue of former times the easy realization of the public revenue.

“ From an attentive consideration of these effects, it appeared to me that, if an annual settlement with the ryots founded upon fixed principles, the essential part of which was to secure to the ryot for a year the fruits of his industry, had actually been productive of such decided advantages, a permanent settlement founded upon the same principles but carried to a great extent in regard to the benefit of the ryot, would produce the same effects, in an increased ratio.

“ It is not my intention at present to argue these positions, but to present to the Board the progress of my own ideas upon this particular question. I had been struck with this opinion before I became acquainted with the exact nature of the tenures of land in common with the average extents of separate estates and with the rate of the Circar assessment. When these circumstances were made known to me I was astonished with the close resemblance between the actual state of property in Canara, and the proposed permanency of the ryotwar settlement, among other peculiarities the greater part of the estates, though fully assessed, pay less than 10 pagodas per annum to the Circar. I should not enter in finding theory into further details. I shall only state my satisfaction reduced to practice and speculation proved by the test of the most successful experiment.

"Canara [His Lordship adds] thus became the great landmark by which I hoped to trace out those principles and regulations which might be applicable to the unsettled districts where the permanent tenures are to be introduced. I have reason to believe though I cannot speak with any positive certainty that the same tenure as in Canara existed originally throughout every part of the Peninsula. In other parts the boundaries of individual rights have been trodden down by the oppression and avarice of despotic authority. But still these exist almost in every village the disturbance [?] of Murassu [sic] Inhabitants or hereditary cultivators. Now the hereditary right to cultivate certain lands and to reap the benefits of that cultivation seems to be merely one and the same thing with the right in the land called [?] property."

28. W. Thackeray then a member of your Board of Revenue who was on the proposition of His Lordship deputed to Canara, Malabar and the Ceded Districts for the purpose of ascertaining by statistical inquiries, the correctness of those general views and principles the outlines of which Lord Wm. Bentinck had unfolded in his minute, has by the result of his investigations, as contained in the valuable Report he made on this important subject, afforded an ample confirmation of those views and principles as derived not only from the state of Canara but also from the improved condition of Malabar and the Ceded Districts under the operation of the ryotwar mode of management. With respect to the latter extensive portion of territory we have the concurring opinion of the Board of Revenue and your Government expenses [?] in

C. N. [?] 1808 upon a review of the administration of Col. Munro during a period of seven years that it has advanced those Districts and this too as it appears under a high scale of rents from the almost ultimate point of dulision [?] to which they had been sunk by a weak and improvident Government to the degree of prosperity and promise in which they then were that a sum of Revenue amounting to S. Pags. One crore nineteen lacs ninety thousand four hundred and nineteen (1,19,90,419) had been collected with a remission on the whole of only S. Pags. Three thousand four hundred and fifteen (3,415). It further appears from the memorandum of Col. Munro delivered to the Acting President in Council that he therein declared that if no alteration was attempted the Ceded Districts would yield one year with another 18 lacs of pagodas and that it would never be necessary to call out a single sepoy to support the collections.

29. There are two circumstances as connected with the question of a ryotwar settlement which in addition to the practical illustrations here exhibited of the wisdom and efficiency of this system of revenue administration we deem it proper to mention as weighing also very strongly in our minds in its favour.

30. The first is that it secures to us what can as we conceive under no other system be secured effectually the eventual advantage of an adequate revenue from the waste lands of the country as they are brought into cultivation, a source which under a judicious and enlightened administration of our territorial interests it is not unreasonable to expect from past experience will

yield a considerable and annually increasing augmentation to the public resources and may gradually enable your Government without reducing the public income to lower the rate of assessment upon the lands already in cultivation.

31. The other consideration to which we allude is suggested by the natural tendency of the Hindoo law to occasion the division of property according to which it descends in equal portions to the male children whether of natural issue or by adoption, an effect which must operate to a very wide extent and must of course be accelerated by the practice which universally obtains in the east of early marriage. Whatever arrangements might therefore be made in the districts to which those observations particularly refer for apportioning lands or rather for framing as an hereditary property the revenues of them to one or more individuals, could be but of temporary duration and would even tho' opposed by artificial restraints in direct variance with the established law of Indian inheritance become in a few generations under a system of permanent village rents so divided and sub-divided as to proprietary rights in the hereditary form as to bring things to a state similar to that in which they would be under the ryotwar management when the collections of a village would not be made from a few persons but from many. This circumstance alone seems to dictate the principle of collecting the rents according to the ryotwar system in preference to any other as being but suited to the local state of the country whereas a village permanent settlement is one which in the ordinary course of things is constantly handing [?] and

must soon give rise to nearly as much trouble and more difficulty than a Ryotwar assessment. We say more difficulty because there will be two descriptions of property dividing and sub-dividing *viz.*, the property of the hereditary farmer of the revenue whom we should create and the territorial property of the Meerasdars and other cultivators.

32. Such has been the inconvenience and embarrassment experienced in regard to the realisation and security of the public revenue assessed on the Zemindars in consequence of the fraudulent and collusive allotments of it in the shares of estates that had become divided that it was thought necessary to pass a regulation in 1807 to prevent any estate from being divided, which was assessed by Government at less than One Thousand (1,000) Rupees, and from preventing a smaller partition that bore an assessment of Five Hundred (500) Rupees. It being however found that this regulation was inadequate to the correction of these evils, it being also found that the redirection which had thus been laid in the partition of estates had been and was the cause of considerable injury to numbers of individual shares in such estates, thereby inducing a sacrifice of private rights which the degree of public inconvenience arising from the minute division of landed property did not appear of sufficient magnitude to justify or require, another Regulation was enacted in the year 1811, providing that any Patedar or sharer of a joint undivided estate, having the exclusive and acknowledged right to and possession of one or more villages in such estates shall be at liberty to cause such village or villages, to be separated from

the general estate so that in progress of time the large Zemindaries in Bengal will be reduced to village Zemin-daries, a state to which they are already fast approaching and might, but for the legislative restriction still in force which we have just noticed in the end, dwindle into estates as small as those belonging to the Meerasdars and other ryots in the peninsula.

33. It remains for us on the ground and for the reasons that we have stated to signify to you our directions that in all the provinces they may be unsettled when this Despatch shall reach you the principle of the ryotwar system as it is termed shall be acted upon, that when the village rents upon any other principle shall have been established the leases shall be declared terminable at the expiration of the period for which they may have been granted, and that if such a measure be not already adopted an express stipulation be made requiring the issue of Pattahs by the renters to the ryots on pain of prosperity[?] their leases.

34. Considering it also to be essentially necessary in order to obtain correct accounts of the cultivation and produce of the land that the curnums of the villages should be kept as free as possible from the control and influence of the renter during the terms of their leases, we further direct, if this has not been done, that measures be taken to place them under the direct authority and superintendence of the Collectors of the districts so as to be immediately responsible to them for the due discharge of their duty.

35. We also direct that you cause inquiry to be made by the Collectors as to how far and in what manner

the regulation under your Government in regard to the issue of Pattahs to the ryots has been and is attended to not only in the unsettled districts but also in those permanently settled and that you put us in possession of the result of the information you shall receive on this subject.

36. We cannot conclude the subject to which this Despatch more immediately relates without remarking that the reasoning of the Board of Revenue appears to us to be often in opposition to the facts and circumstances they have themselves adduced in their Report.

37. They admit that the triennial lease settlement had failed, that the rate of rent at which that settlement had been formed was too high, that two of the three years during which it was in operation had been unfavourable, one of them having been a season of extraordinary drought, that the stock and substance of ryots had continued to be in a status of declension under our Government from the too heavy pressure of the public assessment upon the land, that the season of the present year threatened to be unfavourable, that the poverty of the ryots would in many instances disqualify them from becoming the renters of their villages, and yet under an admission of all these circumstances they recommended to you and you authorised them to carry into immediate effect a settlement of the provinces upon a standard land rent, to be then fixed for ten years, certain and in perpetuity unless disapproved by us; and both you and they have recorded your opinions that from the encouragement which such a tenure would hold out to the ryots the standard rent might generally be fixed so as to prevent any considerable

reduction in the amount of the present land revenue, a result which if the facts and circumstances adduced in the report should prove to be founded, cannot take place without aggravating the evils therein represented, especially as it is assumed by you and the Board of Revenue, that as the poverty of some ryots may render it necessary to lower the rate of assessment in some villages the deficiency must be provided for by raising that rate in other villages where the remaining substances of the ryot might enable them to bear it, the natural effect of which would be to lower the substantial farmer to the level of the poorer one while in many instances the latter would be made to feel the bitterness of his poverty by being degraded from his immediate relation with the Government into an under-tenant to his fellow ryots vested by you with all the larger land rights of the state.

38. The principle of the proposition that was suggested by Mr. Groome for confirming the leases to the lands that have been considered and are classed under the head of lands in cultivation might we conceive, if it had been adopted, have had a beneficial effect upon the minds of ryots and wherever they were in circumstances that would have rendered them responsible tenants for a rent equal or nearly equal in amount to that which their lands had paid we should have approved of your granting long leases and would have confirmed them in perpetuity to such ryots individually, because we are of opinion that the effect of such separate settlements would be not only to stimulate the industry of those who should be thus permanently established in their property and enable them gradually to apply for portions

of all the waste lands upon the terms at which it has been customary to allot such lands convertible into a perpetuity at a reasonable assessment but because the example thus held out of the benefits derived from exertion could not fall in the course of time to have a general influence upon the other occupants of land.

39. Having apprised you of the sentiments we entertain respecting the practical operation of the judicial system it is scarcely necessary for us to state that it is our intention to give it our most serious and deliberate consideration, the result of which we shall take an early opportunity of communicating to you.

40. Before we conclude this letter we must take notice of several other paras of your Despatch of the 29th February 1812 which we have read with much concern.

41. In paragraph 267 you state that the separate report of the settlement concluded in Trichinopoly for Fasly 1218/1808/9 yet remained in 1812 to be laid before you by the Board of Revenue and you add that it is now of less importance as you understood that the present Collector Mr. Travers had concluded a triennial lease for the three following years.

42. In para 269 you state that you had not received any report upon the revenue of Canara, Malabar, Seringapatam or Pauntnad and, you add, without animadversion it is however understood, that they are in progress with a view to being submitted for your ultimate confirmation at an early period after the present Despatch.

43. In para 275 you give a comparative statement of the revenues of Madras for Faslies 1218 and 1219 and tho' Fasly 1220 had expired eight months prior to the date of your letter you acknowledge in para 277 that no account had been received of the revenue of that year.

44. Of the causes to which this extraordinary tardiness is owing on the part of the Board of Revenue or the subordinate functionaries in preparing and submitting the periodical revenue reports you have not informed us.

45. We should be wanting to that trust reposed in us did we permit such instances of remissness to pass without censure.

46. You must be fully aware of the responsibility that will attach upon the Governor in Council for any detriment that our interest may sustain from a relaxation of authority over the Subordinate departments and from a want of attention to the communications received from us. It is your positive duty to act up to the spirit of our instructions and not to embarrass our final decision by measures which a due regard to the sentiments we have expressed might enable you to collect are not likely to be in conformity to our opinion.

47. This Despatch we expect shall be taken under your consideration with this view and we trust that it will lead to such a course of proceeding as may ultimately meet with our approbation.

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## 10. Introduction of Munro's System of Judicature.

(Judicial)

*29th April 1814.*

1. Our last letter to you in this Department was dated the 29th October last.

2. In our despatch in the Revenue Department dated the 16th December 1812, we took occasion to convey to you some general observations on the practical operation of the system of Judicature, which has of late years been established in the territories of Fort St. Goerge, and to prepare your minds for a fuller and more matured disclosure of our sentiments and determinations on this important subject. Since that period it has engaged our deliberate consideration, as have also the existing arrangements for conducting the Police within those territories.

3. We propose in this separate letter to communicate to you the ideas and views we have formed after a careful examination of your Official Records, and after collecting the sentiments of many of our servants now in England' upon the subject in regard to both those branches of internal administration under your Government, and to furnish you with such Orders and Instructions, as we have deemed expedient and indeed essentially necessary for attaining the accomplishment of those great objects of Civil Regulations and at the same time of relieving in some degree our finances from that heavy pressure to which they are at present subject under the heads of judicial and police charges.

**Sir Thomas Munro was prominent among these servants.**

4. We have approached the consideration of this subject under a deep impression of the fitness and wisdom of proceeding with due caution and care in the adoption of any material alterations in existing systems of Government and of the mischief which too often results from innovations in matters of such importance and delicate concern. With these strong convictions on our minds it is very satisfactory to us on a review of this great question to be enabled to state that the modifications which we are about to prescribe in this despatch do not involve the introduction of any novel or imbued principle nor any essential departure from an ancient and long established order of things but rather the revision and amendment of one of recent occasion which has existed a few years only in the provinces under your Presidency, and the operation and effects of which it is our duty to watch over, with the view not only of preserving and cherishing whatever good may be found to accompany it but also of modifying and reforming it in those respects in which experience may have proved it to have failed in its expected consequences. It is in this spirit that we have entered upon the present investigation on the one hand influenced by an earnest disposition to avoid all changes not absolutely called for in an existing system adopted under our own sanction, and on the other not insensible to the obvious policy of removing the errors, and of supplying the defects which may be found to belong to it, before the progress of time shall have rendered them inveterate.

5. We shall in the first instance direct your attention to the state of your Judicial Establishment. The

increased and increasing expenditure on this account amounted for the year 1811-12 to no less a sum than £3,48,262 exclusive of the expense of the Supreme Court of Judicature, diet of Prisoners and the Police being comparatively a small part of the whole judicial charges of the three Presidencies in that year. This has been made the subject of frequent correspondence with your Government, but the instructions which we have transmitted to you, strong and urgent as they were, have led only to partial retrenchments of a trifling nature while they have fully served to satisfy our minds that any considerable diminutions of this article of public disbursement cannot be looked for nor even a limitation be fixed to its present high scale by any measure short of a revision of the whole system.

6. The expedients which you found it necessary to adopt for reducing the arrears in the Courts under your Government had been as we observed in our Revenue Letter of 16th December last "some years before resorted to by the supreme Government" but, (as we also remarked) "they had not been found adequate to remedy the evil which still continued to be heavily felt in the Bengal Provinces, notwithstanding the further measures that had been more recently devised for the same purpose." Even so lately as the year 1812 it was found necessary to pass a Regulation for augmenting the number of Judges in the Sudder Dewanny and Nizamut Adawlut of Calcutta "as occasion might require", and in the same year a resolution was adopted to appoint a certain number of permanent Assistant Zillah Judges to be employed where their services were most wanted, thus

constituting in both cases, a standing increase of expense attendant upon the judicial system.

7. It nevertheless appears from the last accounts received from that side of India, that the number of suits depending before the different tribunals of Civil Judicature on the 16th July 1812 amounted to no less than 20,981, and so far from any expectation being held out by the Government of Fort William of any material reduction of that number, we are led to entertain the strongest apprehensions of an augmentation.

8. We must here remark that when the present judicial system was introduced into the Provinces of Bengal, Behar and Orissa, the number of depending suits in the Dewanny Adawluts was stated by Lord Cornwallis, in his Minute of the 11th February 1793 at about 60,000. The consequent delay in the decision of suits was then described by him as "ruinous to the suitors as defeating the end of Justice and as striking at the root of the prosperity of the Country." Lord Cornwallis in the establishment of the system considered a speedy settlement of causes to be a primary and essential object to be effectuated by it, observing, as he justly did, "that the constitution of the Courts should be so framed as to put it out of the power of the Judges to deny or delay justice, that individuals should by a mere application be able to command their interposition for the redress of injuries from whomsoever sustained." It is to "this effect" also that he observes in the same Minute "that there should be courts of Justice to punish oppression and exaction, and that the people must be

satisfied that the remedy must be certain and effectual, and that it can be expeditiously applied."

9. The facts which we have adduced and others which will hereafter be noticed furnish but too ample evidence that the provisions of the Judicial Code of British India, highly beneficial as they have proved in some important particulars have yet substantially failed in the accomplishment of one of the most material ends they had in view in that large portion of our possessions where the Code was originally introduced and where it has been congest[?] in practice. But in taking a survey of the inadequacy of the judicial system the existing accumulation of undecided suits is very far from exhibiting the whole extent of the evil. To form a tolerably correct idea on this subject, especially in regard to the Zillah Courts to which we here more particularly direct our observations we must bear in mind the number of persons who may be deterred from applying to them for redress from the despair of having their disputes and grievances settled within any reasonable time as well as from the great distance they must travel for justice, the expense of the journey and the interruption which it must occasion to their private concerns, called away as they are from their homes, at the very season when their absence cannot be dispensed with, without serious injury to the cultivation of the land. The records of the Bengal Government inform us of another evil of no less consequence *viz.*, that the affrays, homicides and woundings, which are continually occurring in those provinces on the subject of disputed rights, are occasioned by the length of time that necessarily elapses before

redress can be obtained which has been found to impel those who feel themselves injured in their rights and property to have recourse to violence and force for the defence of them thereby taking the law into their own hands.

10. It would be needless to argue that the same causes must produce the same effects, within the possessions of Fort St. George. The proof of this fact is strongly borne out by the official communications of several of the judicial and revenue servants belonging to your establishments but if such evidence were wanting it might alone be very safely rested on a reference to the actual population of the country, and the number of suits decided, and remaining undecided within the year, which sufficiently show how disproportioned the existing means of administration are as to the wants and necessities of the people.

11. This deficiency of means is no doubt to be imputed in part to the great extent of the local jurisdiction of the Zillah and Provincial Courts; but we are firmly persuaded on a full examination into this subject that if the state of the Company funds would admit of such augmentation of these Courts as would reduce their local jurisdiction to one half of their present size, it would after all operate only as a partial remedy, and still leave the administration of justice in a state and condition very inadequate to the fulfilment of his professed purposes.

12. We are led to direct your attention in the first instance to that branch of this important subject which relates to the *European Agency* employed for

the discharge of the duties of judges and registers in the Zillah Courts; and in doing this we shall avail ourselves of the opinions of some of the best informed and most enlightened of our servants who under the Bengal Government, and under your Presidency have been enabled by experience in the execution of the Judicial functions to form opinions, and who have felt themselves called upon by a sense of duty to record them. Sir Henry Strachy, Judge and Magistrate of Midnapore in his Report of the 30th January 1802, after enumerating circumstances which obstructed the due administration of justice observes as follows:—"Another impediment though of a very different nature, and much more difficult to remove, is to me too palpable to be overlooked. I mean that arising from Europeans in our situation being necessarily ill-qualified in many points to perform the duties required of them as Judges and Magistrates, nothing is more common, even after a minute and laborious examination of evidence on both sides than the points at issue. This proceeds from our imperfect connection with the natives and our own scanty knowledge, after all our study of their manners customs, and languages, we perhaps judge too much by rule. We imagine things to be incredible, because they have not before fallen within our experience, we constantly mistake extreme simplicity for cunning. We make not sufficient allowance for the loose, vague and inaccurate mode in which the natives tell a story; for their not comprehending us, and our not comprehending them. We hurry, terrify, and confound them with our eagerness and impatience.

“ I am fully convinced that a native of a common capacity will, after a little experience, examine witnesses and investigate the most intricate case with more temper and perseverance, with more ability and effect, than almost any European”; and as he says in another place, “a very few simple rules would perhaps suffice to correct the abuses of former times. I confess it is my wish, though probably I may be blamed for expressing it, not only to have the authority of the natives as judges extended, but to see them if possible enjoy important and confidential situations in other departments of the state.”

“ We cannot possibly study ” (this same Judge observes) “ the genius of the people in its own sphere of action. We know little of their domestic life, their knowledge, conversation, amusements, their trades and castes, or any of those natural and individual characteristics, which are essential to a complete knowledge of them ; every day affords us examples of something new and surprising ; and we have no principle to guide us in the investigation of facts, except an extreme diffidence of our opinion, a consciousness of inability to judge of what is probable or improbable.”

13. The ideas of Colonel Munro on the same subject were communicated to your Board of Revenue in his Report from the Ceded Districts, dated the 15th August 1807.

“There is ” (he observes) “ such a strange mixture of fraud and honesty in the Natives of India and even in the same individual in different circumstances, that none but a native can on many occasions penetrate the motives

from which such opposite conduct arises. The numerous petty dealings constantly going on are comparatively very little disputes, the frequency of deposit of money and valuable articles without any kind of voucher and the general practice of lending money without any receipt or document. But the accounts of the parties manifest a high degree of mutual confidence, which can originate only in a conviction of the probity of each other; but on the other hand, every native will perjure himself in a litigation respecting water boundaries of villages and privileges of castes. He will also perjure himself with little hesitation in favour of a relation, a friend or an inhabitant of the same village. These causes, added to bribery, render perjury so common, that scarcely any dependence can be placed upon evidence, unless when it is supported by collateral proofs. The number of witnesses and even their general character is therefore of less consequence than an acquaintance with those particular customs and prejudices by which their evidence is likely to be biassed. The judge must always be inferior to a native in knowledge of this kind, he will likewise be deficient in the language, he never can be so much master of it as to follow and detect the minute points by which truth and falsehood are often separated. The voice of a witness, the manner, the mode of expression, the use of words of a less positive though often similar sense; all these must be beyond the reach of an European whose knowledge of an Indian language can never extend to such niceties."

14. These are the sentiments and opinions of two of our servants well qualified from local observation and

practical knowledge to speak on such a subject and they have been strongly corroborated by other respectable authorities and records which we have consulted in the course of our investigations.

15. It is but too obvious that an European must labour under very great disadvantages in the administration of justice among a people so peculiar in their habits, their ideas and customs and with whose dialects it is in vain to expect that we ever become sufficiently acquainted. A document which we received from Bengal in the year 1810 distinctly informs us that "a few only of the Magistrates understand the Bangalese language." In the districts where the dialects are much more various this deficiency in the native languages cannot, we conceive, be less felt than it is within our possessions subject to the Supreme Government.

16. These circumstances, while they must render the proceedings of the European Judge liable to great error and misconception in spite of all his care and disposition to act rightly, must also in a great measure reduce him to a dependence on the native officers of the court, which in various ways will tend, as we know it very extensively has, to the abuse and perversion of the ends of justice, and from the inability of the judges to follow readily what passes in the progress of hearing a cause, a dilatoriness in the despatch of business must arise, which of itself would contribute in no small degree to that accumulation of suits instituted in the Zillah Courts.

17. What also occasions the great arrears of suits in all our tribunals, both European and Native, is the

process and forms by which justice is administrated. This process and these forms are substantially the same as those of the superior tribunals in England and even pass under the same names. The pleadings of the court are almost in every case written (as well as the evidence of witnesses) : and they proceed by Petition or Declaration, Replication and Rejoinder, Supplements, Answer and Reply.

18. Such a minute and tedious mode of proceeding in a country where the courts are so few, compared with the vast extent and population of it, must be quite incompatible with promptitude and despatch. Causes must be long pending and slowly got off the file and the tardiness with which they are brought to a settlement must in innumerable instances be a greater evil than the original injury sought to be redressed ; to say nothing of the frequent visits which the litigant parties are under the necessity of making, for the purpose of filing their pleadings in the progress of the cause, according to the turn which the proceedings may take. This grievance is one of no ordinary magnitude to the suitors as well as to those who may be summoned to give evidence. On one description of persons it must, according to the information we have received from Colonel Munro, operate with peculiar severity. We refer to the Heads of Villages.

“ They are”(he observes) “subjected to a great inconvenience and distress, being summoned as witnesses in every trifling litigation that goes before the Judge from their respective villages. They are supposed to know the state of the matter better than anybody else, and are therefore always summoned. They are detained

weeks and months from the management of their Farms, and are frequently no sooner at home than they are called away fifty or one-hundred miles by a fresh summons about some petty suit, which they could have settled much better on the spot, and crowds of them, as well as of the principal Ryots, are always lying about the Courts, and very often without its being known to the Judge that they are there."

19. We have the declaration of your Board of Revenue that those cumbrous formalities (as they term the forms and process of the Courts) "rather embarrassed than aided litigants." The inconveniences to be expected from them were ably pointed out by Colonel Munro in the same year on the extension of the judicial system to the Ceded Districts, and some of those which have actually resulted are strongly but we believe faithfully depicted by the Collector of the Southern Division of Arcot in his Report on the Settlement of the Revenue, for the Fasly year 1808-09: "Hundreds of complaints of acts of oppression have been made to me, but on which I have no power to grant redress. I can only refer them to the Court; and the Court, if it did nothing else, would not have time to redress all such grievances, even if they came before it; but the road to Justice in such instances is so clogged with forms etc., that nine out of ten of such grievances never came before it." "It is cheaper" (he adds) "for complainants to submit to be plundered than to seek redress."

20. What must also be very materially obstructive of the purpose for which such forms of proceedings are

prescribed by our system of Civil Judicature is that they are perfectly new to the natives to whom justice was used to be administered according to very simple rules and in a summary manner.

21. The general unfitness of the natives to conduct their own causes in tribunals whose proceedings are regulated by rules of such a refined and intricate nature has led to the appointment of Vackeels or licensed pleaders to each court; but this measure though intended for the convenience of suitors is accompanied with injurious effects by placing the Plaintiffs and Defendants very much at the mercy of a set of men who for the most part, we fear, are wanting in respectability of character, with little sense of reputation, and depending for their subsistence on the encouragement and fomentation or frivolous and vexatious litigations.

22. The defective and superficial acquaintance of the Vackeels themselves with the regulations and their general inaptitude for the discharge of their duties has long been the theme of complaint on the part of our servants under the Bengal Presidency, as well as by Colonel Leith, who was employed under your Government in framing the original Code of Laws and Regulations, and who has, in his letter to the Chairman of the Court of Directors of the 25th January 1808, of which we formerly transmitted you a copy, expressed his opinion on the subject of the Vackeels, in terms which have particularly attracted our attention: "There is perhaps" (he says) "no part of the Judicial system which has been attended with worse consequences than the Vackeel branch of it. They are in general extremely

illiterate and their situation gives them various opportunities of committing abuses which are not easily detected. In particular they have been accused of promoting litigation, by holding forth false promises of success to their clients. Their habits of intercourse with the natives and their being in a manner the only persons who are acquainted with the Regulations make it easy for them to do so. I do not hesitate in saying that one great cause of the litigation and delay in Law suits has arisen from the Native Pleaders."

23. Your Board of Revenue also, in the Report to which we have already referred, have distinctly averted, that "the licensing of pleaders or Vackeels had led to a series of fraud and corruption in the Zillah and Provincial Courts," and they therefore recommended that in the Revenue Court which it was then in contemplation to establish at the Presidency "pleading on terms should be adopted, instead of Petitions, Replications and Rejoinders."

We therefore direct you to instruct the Courts of Sudder Dewany and Nizamut Adawluts and the inferior Courts to communicate their ideas on this subject, and that you do thereupon revise the respective posers together with the forms of process in both Departments with the view of rendering the proceedings in civil cases, as summary as may be compatible with the ends of substantial justice.

24. The Reply and Rejoinder may perhaps be dispensed with as the plaint and answer generally contain all the material facts of the case.

25. Another part of the system which has an evident effect in lengthening the proceedings of the

courts has not as far as we know the recommendation of being borrowed from any English institution, this is the practice (prescribed by Regulation 3 of 1802) of taking down in writing all depositions although delivered orally in open Court. We have great doubts as to the necessity of this custom and desire that the subject may be carefully considered by the Courts.

26. The employment of Licensed Vackeels is so connected with the judicial system now established that we are certainly not prepared to do away this class altogether, but we are very desirous that the subject should be maturely considered by you as well as by the Sudder Court with a view of devising if it be possible a remedy for an evil so generally acknowledged.

27. We would here call your attention to another part of your judicial system ; we allude to the latitude of the Appeal allowed from the decisions of the Registers of the Zillah Courts and from the decisions of the judges of those courts. These facilities thus afforded for the prolongation of judicial disputes and its attendant evils have been represented to us by many of your most experienced servants as strongly requiring the application of some remedy. By the Original Regulations of your Government no suit was appealable from the judgment of a Register or a Judge of a Zillah Court unless in the former case the amount of the property litigated exceeded 25 Rs. and in the latter 1,000 Rs. But by Regn. 7 of the year 1809 these restrictions were removed and appeals were allowed in all cases from their determinations except in regard to suits tried by a Zillah Judge in Appeal from the Head and other Native Commis-

sioners. We are of opinion that a revival of the restrictions which formerly existed under Regn. 2 of 1802 would be productive of much good effect and we hereby direct that no further Appeal be permitted to be from a decision of a Zillah Court on an Appeal from the Register or from any Native Tribunal. With regard to special appeals we leave you at liberty to extend the provisions of Sec. 26 of Regn. 7 of 1809 to any case not comprehended within them which on due consideration you may think fit.

28. The expenses also of prosecuting suits which before were confined to the maintenance of witnesses and the employment of a Vackeel have since the year 1808 been considerably augmented by the direct charges to which legal proceedings are subjected, by fees on the institution and trial of causes and on the presentment of Petitions, Exhibits, etc., both in the European and Native Courts, as well as by Stamp Duties upon the pleadings in the former.

29. These additional charges were imposed as it is declared in the preambles of Regulations 4, 5 and 17 of 1808 for the purpose of preventing litigious and groundless complaints, the filing of superfluous exhibits, and the summoning of unnecessary witnesses.

30. To the first mentioned of these Regulations and to Regulation 17 which gave a retrospective effect to the provisions of the former one respecting judicial fees, the Sudder Dewanny Adawlut have in their Report of 19th February 1813 particularly called our attention as the chief means by which the arrears of civil suits had been so greatly reduced since the year 1807. But with

the evidence we have before us on this subject we see too much reason to conclude (bearing in mind as we must the smallness of the interests which produced litigations among the natives) that the additional expenses thus imposed serve to discourage and often to preclude the fair claimants from applying to our judicatories.

31. Under the Rules and Regulations which obtained previous to the introduction of the present system for the administration of justice in Bengal, a deposit fee was levied on the institution of suits, in the civil courts varying from five to two per cent in proportion to the cause of action and certain other authorised fees of court. On the first establishment of the present system in 1793 these fees were abolished and the suitors were relieved from all other expenses except the prescribed fee to the pleaders and the actual charge in summoning their own witnesses. The grounds which induced Lord Cornwallis to adopt this measure are explained at large in his Minute of the 11th February 1793. "This Tax" (observed his Lordship alluding to the fees we have just stated) "which the people are obliged to pay for having justice administered to them at the same time that it debars many from recovering their rights and fails of its intended effect has a further oppressive operation by furnishing equally all suitors whether their causes be litigious or not. The fact is that the evil which this regulation is intended to obviate is ascribed to a wrong cause. It is not to be attributed to the litigiousness of the people but with more truth to the dilatoriness and insufficiency of the administration of Justice."

32. The Zillah Courts created under the new system being soon overwhelmed with causes, the principle maintained by Lord Cornwallis was departed from and fees were established on the institution of suits and on exhibits etc., as well as stamp duties on the written pleadings. The reasons assigned in the preambles of the Regulations relating thereto were the same as those which induced you to resort to those expedients. We are much disposed to believe from the practical authorities we have consulted upon this subject that though these changes upon law proceedings have served to diminish the number of vexatious suits instituted in our courts they have at the same time had the effect of deterring too many from seeking judicial redress for real and substantial injuries on account of their inability to support the costs which necessarily accompany the means of obtaining it.

33. Having adverted to the general and most obvious defects in the present system we are brought to the consideration of the remedy most applicable to them and after a minute examination of every available source of information within our reach and having attentively reviewed the whole that we have collected we are disposed to think that the important object as far as the administration of civil justice is concerned may be obtained in a degree commensurate to the wants and necessities of the people by such a modification of the present judicial system itself as shall consign a great part of the business now conducted by the Zillah and Provincial Courts to intelligent natives through whose agency the means of administering justice might be enlarged and

at the same time a foundation laid for diminishing the expense attending the existing establishments of the Company.

34. We find from the concurrent testimony of our most experienced servants that throughout Hindustan the affairs of every village were formerly managed by two descriptions of persons, one usually designated by the appellation of Potail though in some parts of India called Mundil or Mocuddim and the other characterized by the name Curnum or Putwarry. The Potail acted as the Judge, Magistrate and Collector within his village. In the former of these capacities, he settled the disputes which occurred within it, assisted, in cases of importance where the litigant parties required it, by a Panchayet or Native Jury consisting of five or more persons whose judgment was subject to an appeal to the Amildar or Collector of the province in whom was vested not only the general administration of the revenues but also the superintendence of Civil Justice as well as the Police. This was the mode of administering justice in all cases of proper or personal right except in regard to questions of caste or religious discipline which were decided by the rulers of the different tribes adjusted by Panchayets.

35. The Curnum or Putwarry who was and still is the Register of the village assisted the Potail in the discharge of his judicial and magisterial functions but it was his more especial duty to keep the public accounts of cultivation and revenue and to record transactions between one individual and another in the nature of bargain payment or receipt, his registry being the attestation of all such transactions.

36. Both the one and the other of these village superintendents enjoyed lands free from or upon payment of a small quit rent or what is nearly the same specific shares of the produce of a particular portion of land besides certain payments in grain or in money from the other residents of the village. In a country where internal disturbances have been so frequent these officers are stated by Colonel Munro to have been regarded by the inhabitants as their natural and permanent superiors their influence in the little communities to which they belong being founded as much in personal respect as in the authority of their office. They are the native gentry of the country and from the particular relations in which they stand to the people they possess a knowledge of the general concerns of their villages and of the character of every one within them which renders them peculiarly well qualified to perform the municipal duties entrusted to their charge.

37. In the modern possessions under your Government where the zealous and well directed enquiries of some of your ablest and most intelligent servants brought us to a nearer acquaintance than in any other part of India with the nature and uses of the local institutions of the country and where also the policy had been most attended to of regarding these institutions as the natural and the only solid foundation on which to raise the superstructure of civil government a close adherence to the ancient and customary course of proceeding in the adjudication of Civil Causes appears to have been observed until the introduction a few years ago of the judicial establishments now existing.

38. Of the utility of the Potails in their judicial character and of their identification with the domestic economy and internal arrangements of the country we have the recorded testimony of many of our servants.

39. Colonel Munro in his report from the Ceded Districts of the 15th May 1806 informs us that "every village with its twelve Ayangadeas is a kind of little republic with the Potail at the head of it, and that India is a mass of such republics." The inhabitants, during war, look chiefly to their own Potail; they give themselves no trouble about the breaking up and division of kingdoms. While the village remains entire they care not to what power it is transferred. Wherever it goes, the internal management remains unaltered. The Potail is still the "Collector and Magistrate and Stud Farmer. From the age of Manu until this day the settlements are made either with or through the Potails." And in another of his interesting and valuable Reports he informs us that "whoever rules the Province, they rule the village." This description of the village societies of India was formed by the view which your Board of Revenue took of the same interesting subject in their Report of the 25th of April 1808.

40. The account here given of the Potail and of his influence and importance, as necessarily resulting from his character and relative situation within the village community of which he is the chief member, is also in strict conformity with the statements which have been afforded by Colonels Read and Wilks, by Mr. Thackeray and other respectable authorities.

41. Your Board of Revenue in their Report to which we have just referred, further state that " the influence of the Head Inhabitant among the people is much greater than that of a Zemindar or Poligar and that when he is not over-assessed he will always exert it on the side of Government."

42. From these concurring testimonies we are led to recognize in the Potal and Curnam the most powerful instrument that any Government can possess for conducting the detailed operations of its internal administration as well in regard to the distribution of justice as the direction of the police. It appears to be through this agency that the frame and constitution of the little village communities of which all India is composed has been held together for so many centuries. They are unquestionably (what they have been termed) "the natural and permanent authorities of the Country" and true policy strongly dictates the expediency of our availing ourselves of their service, for it is thus only, as we are now firmly convinced, that the business of Government can be adequately conducted in a foreign country like India, in which the population is so extensive and the habits and manners of the people so different from our own.

43. The judicial Regulations admit of the employment of native commissioners as referees under the orders of the Zillah tribunals and as judges with an original jurisdiction in matters of personal property to a limited amount and in the case of the head native commissioners authority is given to decide suits of small

amount respecting real property. The Regulations also empower the other native commissioners to act as arbitrators when applied to for that purpose by the inhabitants. But restricted as these native authorities are in their powers and liable as they also are under the latitude of appeal which is permitted from their decisions to the Zillah Judges to have them suspended or reversed, a large portion of business thus necessarily devolves on the judges and assistant judges which together with the judgments of the Registers and the suits that come before them under an original jurisdiction they are utterly unable to deliver themselves from by every possible exertion they can make.

44. We are however very far from meaning to detract from the efficiency of the native branch of the Judicial system. On the contrary we refer with satisfaction to the facts stated in the report of the Sudder Dewany Adawluts at Fort St. George wherein it is observed "that these subordinate judicatories are operative to a very extensive degree in promoting the general and speedy distribution of civil justice in causes, though small, yet of infinite importance to the parties, who could not without the most serious inconvenience be subjected to the necessity of leaving their families and giving attendance at the stations of the Zillah Courts." This Report from the Sudder Adawlut furnishes as strong and convincing argument for the employment of natives in the administration of civil justice, and satisfactorily demonstrates the absolute necessity of availing ourselves of their instrumentality to a much greater extent than has hitherto been done.

45 We must however continue to think that the agency of natives appointed to act as commissioners is much less eligible than that of the heads of villages acting within the limits of their own municipalities. The slender and very insufficient emoluments allowed to native commissioners for the performance of very laborious and responsible duties must render it extremely difficult to secure the services of men of respectability and influence in society and possessing the requisite qualifications.

46. These circumstances as are stated in the Report from the Sudder Dewanny Adawlut to which we have already referred as having "hitherto retarded the consummation of the arrangements for this purpose, in some cases by the difficulty of finding persons sufficiently men of business and character to discharge satisfactorily a trust so delicate and one that is so closely connected with judicial comfort and prosperity, and in others, by the disinclination of those of adequate respectability and talent to undertake a duty which without promising any immediate personal advantage seemed to be laborious to a degree alarming to their habits."

47. The official correspondence of the local authorities under the Bengal Government leave it not a matter of speculation that the native commissioners in those provinces are a description of persons who, like the Darogahs of Police, are of inferior character among their fellow country-men very rarely possessing that local influence and consideration which might naturally be attached to individuals holding those situations.

48. These necessary qualities we have already shown are much more likely to be found among the

Potails and Curnums of the Villages, than among any other denomination of the natives. They have for ages been in the constant habit of administering justice in their villages with all the aids derived from acknowledged rank and hereditary connection. They are still in the enjoyment of or possess the right to a permanent provision in land and fees originally assigned them as public officers for the execution of that and other duties. That particular duty we cannot doubt they would again gladly execute because it was one inseparably connected with the consequence which belonged to them in their respective villages and which by being committed to other hands must as we are satisfied it has from various official channels of information considerably impair their influence and render a numerous body of men dissatisfied if not disaffected to our Government whose support and attachments we cannot but consider of more importance to the internal security of the country than even the strength of our military establishments. Such a measure would incalculably relieve the inhabitants from those vexations and inconveniences to which they are at present subject from the want of the ready means of judicial redress and would be most acceptable, as it would restore a form of judicial administration which had long been familiar to a people distinguished above all other nations in the world by a dislike to innovation and a respect and adherence to ancient rule and customs.

49. As the Panchayets or native juries appear also to have uniformly prevailed under every native government of India, it is necessary that they should

take a part of any consideration involving in it a return to the ancient form of judicial administration.

50. It is remarkable that this institution should have been passed over without notice in the recorded discussions which preceded the establishment of the judicial system under your Presidency finding as we have an examination of the reports of those Collectors who antecedent to that period superintended the administration of civil justice that it was a general rule at least among those in the modern territories to avail themselves of the use of Punchayets in cases brought before them and also to encourage the use of them by the heads of villages. It is stated by Captain Read in a letter dated Kistnagherry the 30th July 1794, that "it was the custom of the inhabitants to settle trivial disputes by Punchayets or Courts composed of themselves and that when they could not settle them by that means to their mutual satisfaction to apply to the Collector who either did so himself or found a Punchayet for the purpose on whose verdict he determined," and, in a cowl-namah of that officer is the following instruction: "It is directed that when any difference arises relating to Municipal management or cultivation a Punchayet or native Court of arbitration may be assembled to adjust and that if the offended party afterwards resolve on an appeal to the Huzoor, he shall be sent thither with its proceedings attested by its members when orders shall be sent in the affair in question." The members of the Punchayet appear to have been mutually chosen by the parties to prevent corruption and intrigue, their proceedings were openly conducted in presence of such of the

inhabitants as chose to attend, and the members were not permitted to separate before they pronounced their decision which was afterwards signified to the parties concerned by a written attestation and enforced, if necessary, by the authority of the Collector.

51. No person in our service abroad has had more frequent or fuller opportunities of forming a just opinion of the advantages derived from these native juries than Colonel Munro. In his Report of the 15th August 1807 he says, "*there can be no doubt that the trial of Panchayets is as much the common law of India in Civil matters as that by Jury is of England.*" No native thinks that justice is done where it is not adopted, and in appeal of causes formerly settled whether under a Native Government or under that of the Company previous to the establishment of the Courts, the reason assigned in almost every instance was that the decision was not given by a Panchayet but by a Public Officer or by persons acting under his influence or sitting in his presence. *The Native who has a great cause always applies for a Panchayet, while he who has a bad one seeks the decision of a Collector or a Judge, because he knows that it is much easier to deceive them.* The Natives cannot surely with any foundation be said to be judged by their own laws, while the trial by Panchayet to which they have always been accustomed is done away. The Code provides referees and arbitrators, but these are not what the Native wants. He has most probably had recourse to them already, and when he comes forward to complain publicly he expects a Panchayet."

52. Equally strong evidence is borne by Colonel Wilks in support of Punchayets (in the Appendix<sup>1</sup> to *His Historical Sketches of the South India*): "Fully to understand the character and manners of the Hindoos requires to have lived and been educated among them as one of themselves; and I conscientiously believe that for the purpose of discriminating the motives of action and the chance of truth, in the evidence of such a people, the mature life of the most acute and able European judge devoted to that single object could not place him on a level with an intelligent Hindoo Punchayet," which he in another place describes as "an admirable instrument of practical decision."

53. It is also highly spoken of by Sir John Malcolm in his *Sketch of the Sikhs* wherein after stating that "trifling disputes about property are settled by the Heads of Villages by *arbitration* and by the chiefs", he in a note to the word arbitration adds: "It is usual to assemble a Punchayet or a Court of arbitration in every part of India under a Native Government, and as they are always chosen from men of the best reputation in the place where they meet this Court had a high character for Justice".

54. We have in our despatch of the 16th December last referred for a practical illustration of the fitness of Punchayets acting in conjunction with the heads of villages for the adjudication and settlement of questions

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<sup>1</sup> Appendix No. III para 7—

In the Mysore Government edition (1930), this appendix is printed on pages, 825 to 830.

of individual property and right to a report made by Colonel Wilks to the Governor General on the "*Interior Administration of the Government of Mysore.*"

55. To the authorities we have produced of several of our most able and experienced servants on your side of India as to the practical utility of the Panchayet institution we shall only add that of an experienced judge under the Bengal Government, Mr. Melville, Judge and Magistrate of Dacca. In his Report of the 21st December 1801, he observed: "I have said that authority and great encouragement should be given to procure an adjustment of petty disputes and quarrels through the means of Panchayets. This mode of arbitration, for in the present instance it is nothing more than that, was formerly almost universally practised and it has not only the sanction of established usage in its favour but the members of such tribunals being as it were pointed out for the office by their established characters and by the acknowledged sentiment of the whole of their society, the decision is at once acquiesced in and becomes happily unquestioned. But to estimate fairly the great advantage to be derived from this mode of adjusting disputes and allaying animosities it must not be disguised and cannot have escaped the observation of all who have had an opportunity to remark it that litigation in petty disputes as at present practised is a source of general unhappiness and the parent of multiplied crimes."

56. The same judge in a Circuit report for the division of Patna of so late a date as the 27th June 1810

after noticing the length of time "a claim must wait with the sacrifices an individual must make before the decision of a Civil Court can be obtained, and his want of confidence in the stability of that decision," proceeds to observe: "It must be noticed also that the manners of the people are daily growing worse. The present system has in its relations and consequences affected the influence of paternal authority and of castes, formerly salutary checks on morals, and our Courts by having a detail of duty much greater than they can effectually manage are unable to supply any adequate substitute."

57. The great argument, which has been alleged against entrusting the natives with the exercise of any extensive judicial authority, is their proneness to corruption. The fact is certainly not to be denied, but it is at the same time necessary that we should trace it to its cause before we assent to the validity of the inference which is deduced from it. This we believe to consist in the want of efficiency which has marked the native governments in the more modern periods of their history. Nothing could well have been more related[?] than was the management of the affairs of civil administration under them whether as it related to judicature, to police or to revenue. Those regulations which are the guidance of public officers and for preventing malversation and abuse of trust had either grown into desuetude or were greatly disregarded and most of the public establishments had become perverted from the original purposes of their institution. It was therefore no other than a natural consequence that in the absence of a salutary and effective exercise of the supreme power of the state

the public functionaries when promoted by self-interest should have been influenced by venal and corrupt motives.

58. If we are correct in this reasoning we may deduce from it a sufficient ground for believing that under a vigilant and active superintendence and control exercised by the British Government, the Potails and Curnums assisted by the Punchayets might be most advantageously employed in the administration of justice without a recurrence of those serious and formidable abuses which prevailed in the latter periods of native administration.

59. The eminent success which has within the last twenty years attended the exertions of some Collectors of the revenue in the modern territories subject to your Presidency in preventing the corrupt practice of the native servants and in keeping them to their duty seems fully to warrant that conclusion. The great practical principle which they steadily kept in view and to which the success of their labours must be very largely ascribed was *to leave the detailed managements of affairs to the natives according to the existing forms and usages of the country and to see that they did their duty instead of attempting to do it for them.* A constant and pervading exercise of the powers of superintendence is the sphere of action in which the Company's European servants can be most beneficially employed, and in this sphere the active application of their time, their attention and their talents are of the most essential and indeed of indispensable importance to the well governing of the country.

60. We conceive in the first place that the Potail might by virtue of his office execute the several modes prescribed by the Regulations; as referee he should hear and determine all such cases as may be referred to him by the zillah court subject to the same limitations as to the amount litigated and, generally speaking, to the same rules as are prescribed for native commissioners acting in this capacity.

61. And in all cases thus coming before Potail either party should have the power of requiring the assembly of a Punchayet, or the court may in the order of reference prescribe that mode of trial and it should also be at the discretion of the zillah judge to refer cases of particular descriptions and not exceeding in value an amount to be specified by regulation to the Potail and Punchayet for final adjustment. Boundary cases may with peculiar propriety be thus referred for final decision, but in cases not specially referred in this manner the right of appeal will of course be allowed.

62. The amount to which the decision of the Punchayet might be rendered final should in the first instance at least be very small. Being however strongly impressed with a conviction of the advantages which might be derived from that mode of trial in point of promptitude and cheapness, we are anxious that its operation should be rendered as extensive as possible consistently with the regular and impartial administration of justice.

63. The Potails or at the option of the parties the Punchayet assembled under the authority of the Potail

should be empowered to act as *arbitrators* without limitation as to amount in all cases brought before them by voluntary consent under bonds of engagement to abide by the award pronounced and to its being made a decree of the zillah court and without appeal except in cases of alleged corruption, of partiality proved to the satisfaction of the tribunal to which the application for setting aside the award is made as already provided for by Regulation 16 of 1802.

64. In the provision we have here made for the arbitration of disputes by Potails and village Panchayets assembled by them, it is not our intention to supersede the enactments of Regulation 21 of 1802 as to the reference of suits by the zillah courts to that mode of settlement; on the contrary we are of opinion that individuals should be encouraged in all cases to get their differences accommodated by arbitration in the way most agreeable to them, nor do we see any objection to investing the court of justice with authority to enforce the execution of awards in private arbitrations, provided the litigants shall have previously entered into a written engagement to submit to the decision of the arbitrator, and to the award being entered on the records of the court.

65. In regard to the jurisdiction which should be given to the Potal for deciding suits of his own authority we do not feel ourselves justified, in the first instance, in directing that his decision or that of a village Panchayet should be conclusive, except in the two cases already mentioned, namely where both parties have voluntarily consented to abide by the decision, or where the zillah

court, adverting to the nature of the dispute as well as the amount litigated have referred the case to the Potal and Punchayet specifically for a final decision.

66. In thus allowing however an appeal from the village court to that of the zillah we by no means intend that the execution of the judgment pronounced by the former shall be stayed during the pending of the appeal except under special circumstances upon which the judge shall be at liberty to exercise his own discretion. Such a permission would we fear greatly multiply appeals and occasion their being lodged for the purposes of vexation or delay. We therefore desire that in all cases not exceeding a certain amount which we leave it to you to fix, the decision of the Potal and Punchayet be forthwith carried into effect; resistance to the process of that court would constitute a breach of the peace, and fall under the cognizance of the magistrate.

67. By the ancient system still prevalent under the native princes there appear to have been an intermediate jurisdiction, original and appellate, between the village courts and those of the provincial amildar or Collector namely that of the tahsildar or deputy of the Collector. As we do not propose by our present instructions to give civil jurisdiction to the Collector, we are for the same reasons unwilling to give it to any of the constituted revenue servants, but, at the same time, we think it necessary that an intermediate native judicature between the village and zillah court should, if possible, be established. Such a court might in some degree diminish the number of appeals to the

European judges and might render it more difficult to obtain a decision through the partiality or corruption of the native judges, as two sets of natives must thus be persuaded to abuse their trust.

68. This course enables us also to try the experiments of the Panchayet on a larger scale than that of the village so as to have a greater selection of persons to exercise that function, as all the inhabitants of a village may possibly be connected with one or other of the litigant parties.

69. With this view it has occurred to us that some of the natives who are highest in rank and most worthy of trust whether now employed as commissioners or not may be invested with a jurisdiction over a certain number of villages, so that there may be three, four or five in a zillah each with a peculiar district; and in order to induce persons of that description to undertake the office and to discharge the duties of it with zeal and fidelity we shall not object to your allowing them a fixed salary in addition to a fee on the institution of suits brought before them, such as is received by the present native commissioners.

70. The original jurisdiction to be vested in these native officers of justice might extend to all suits instituted in their courts for personal property not exceeding 200 A. Rs.', for Malguzarry to the same amount, and for Lackerjee not exceeding 20 A. Rs., assisted, as they should be where either of the litigant parties desire it, by a Panchayet, and their jurisdiction might be final to

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<sup>1</sup> A. Rs.=Arcot Rupees.

the extent of five pagodas. Their appellate jurisdiction (either party in the appeal being allowed a Punchayet) might be final in all cases not exceeding ten pagodas and also in regard to suits preferred in the zillah courts which the judges may, in analogy to the nature of the references to Potal and village Punchayets which we have suggested, deem it proper to refer in the same special manner to those superior native judicatories for final determinations.

71. By reverting to the established practice under the native governments, of employing the heads of villages and Punchayets assembled within them, in the administration of justice, with the introduction of district Punchayets, as we have proposed, we are persuaded that we shall confer the most solid benefit upon our native subjects and relieve the European judges in a very considerable degree from that weight of judicial business the pressure of which must necessarily have compelled them to depend in a great measure upon the inferior officers of their court, who are open to various temptations to betray their trust and to deceive their superiors. The admission of the Potails and Curnums to this participation in the municipal administration will be attended with little or no expense to the litigants, for we propose that suits, brought under the cognizance of those village officers, should be altogether relieved from fees and stamp duties. The inhabitants, as we have before observed, will have their complaints enquired into at their very homes where the transactions to be investigated can be much better understood, and what is no small consideration where the

enquiry will be conducted in a mode sanctioned by the ancient usages of the inhabitants. We are also persuaded that as the authorities of these village officers must necessarily be confined to the cognizance of such matters as occur immediately within their own little communities, the history of which will be within the personal knowledge of every member of it, the best practicable facilities will thus be afforded to a prompt and satisfactory administration of justice.

72. In order that we may be enabled to appreciate the effect of these several measures we are particularly anxious for correct and precise information as to the nature as well as the number of suits instituted in the several courts. We desire that such returns may be made by the several judges to the Sudder Court, as may enable that court to furnish Government with a yearly or half-yearly report in which the following particulars are to be stated :—

- (1) The number of suits instituted before the general courts now existing or hereafter created distinguishing whether they have been decided or dismissed, whether the parties have acquiesced in the decision, or have appealed and to what court, and whether the decision has been confirmed or reversed by the court of appeal.
- (2) In regard to courts which have an original and appellate jurisdiction the returns will distinguish whether the suit comes before the court originally or on appeal, and in the

latter case will show the proportion of appealed sentences respectively reversed or confirmed.

- (3) The average value of the matters litigated, and *the nature of the dispute*, the situation of the parties, particularly in cases in any way respecting the rent of the land whether paid to Government or to Zemindars or other holders of land.

73. Having thus signified to you our sentiments and instructions respecting the system of civil judicature within the territory under your authority, it remains for us to pursue the same course with reference to the administration of police. We have in a foregoing part of this despatch taken occasion to speak of the hereditary influence which the Potails and Curnums possess within their communities and of the intimate knowledge they must necessarily have of the individuals residing within them. These village superintendents are aided in the performance of their police functions by two officers, generally known by the name of Taliar and Totie, who properly form part of every village establishment, and who like the Potal and Curnum and all other public servants on such establishments are supported by Enams or Manniums, and other emoluments derived from the inhabitants of their respective villages.

74. It is to these officers that Colonel Munro has referred us in his paper of observations to which we have already alluded and in which he states that "in every Village in India there are hereditary Watchmen

whose business it is to guard the property of the inhabitants and Travellers from depredation, and to exert themselves in recovering it when stolen; that there is perhaps no race of men in the World who are equally dexterous in discovering thieves; that they are maintained by the produce of an Enam Land, by a trifling Tax on each house, and by a small allowance from Travellers, when they watch their property at night; that no war or calamity can make them abandon their inheritance; that if driven from it, they always return again, and often live in the village when every other person has forsaken it; and that this long and constant residence together with their habits of life makes them perfectly acquainted with the character and means of livelihood of every person in it."

75 The Committee of General Police after having consulted with all the Judges and Magistrates, Collectors and Commercial Residents in the Districts, observe in their Report to your Government of the 24th December 1806 that "the general division of the country into village and dependant Hamlets is well known, and the influence of the Head inhabitants of their villages is established on the broad basis of immemorial usage and prescriptive right, that this influence had undoubtedly in many instances been abused but that the abuses, if traced, would probably be found to originate with the ruling authority and that as the object of the power which circumstances lodged in the hands of these people was public utility, the inference appeared reasonable that it might by proper regulation be reformed so as to answer the purpose of its original institution, and that to divert the controlling power of small societies from the

persons in whom it was primarily and naturally vested, and to place it in hands uninterested in the welfare of the society and without any influence appeared little calculated to conciliate the affections of the powerful or to provide for the protection of the weak."

76. In perfect unison with these ideas, Lord William Bentinck stated that "the Heads of Villages were the most proper persons for Police Officers, as having the greatest influence, that they would be pleased with the consequence which they would derive from it, that they were the only persons, acquainted with every transaction, who have the power in consequence to prevent robbery and intrigue and that without the aid of this description of persons there could be no efficient Police."

77. In the more recently acquired possessions in the peninsula, while the duties of the magistrate were entrusted to the Collectors, much attention appears to have been paid to the preservation of the village police, and more especially in the Havelly Circar Lands, which constituted the far larger part of those possessions.

78. The Judge of Circuit of the centre Division referring to the zillah of Darapooram, comprehending the northern and southern Divisions of Coimbatore, reported to you, at the conclusion of the 1st sessions of 1812, that he had an opportunity of observing minutely the effect of the excellent arrangements which had been introduced by the magistrate for preserving the peace of the district and securing the property of the inhabitants, that the advantages which had resulted from it were manifest in the

general prosperity and apparent happiness that seemed to reign in every village that he passed through, that the police officers were active at their stations and the villagers equally prompt in their co-operation for carrying into effect the orders of the magistrate, that the consequence was that few crimes were committed in the zillah, and when they did occur, such was the promptitude of pursuit, that it was scarcely possible for the offences to escape from the grasp of justice.

79. The same testimony is borne by the same gentleman in his Report on the zillah of Verdachallum as well by Mr. Thackeray in his Report of 1807. We may add also that further proof is to be found in the reports on the state of the districts of Malabar and Canara and of the southern Pollams, long the scenes of every species of disorder and outrage.

80. On this subject too we must particularly point out to your attention the sentiments of the Select Committee of the House of Commons on East India affairs, as contained in their 5th report, in which you will find much to support and confirm what we have advanced in this despatch respecting the village police. In concluding their remarks on this point they declare that they looked to the revival of the Talliary office in every village as the best security of internal police.

81. It is the strongest possible recommendation of the Talliary police that it secures the aid and co-operation of the people at large in the support and furtherance of its operations ; because it is pursued in a mode which adapts itself to their customs and usages, and to that scheme of internal policy, by which society among them

has been held together from the earliest ages; and we are firmly persuaded that any system which has been or may be resorted to for the general management of the police of the country which is not built on that foundation must be radically defective in its construction and inadequate to accomplish its intended purposes.

82. We are well aware that in the Northern Circars and in the western Pollams where the possessions of the Zemindars are extensive, and where they had long exercised an arbitrary sway, it is not to be expected that any efforts of the company's servants in the general charge of the civil administration should be at once or very soon felt. But we nevertheless consider it to be perfectly consistent with the nature and principles of the permanent settlement, whenever it has been introduced and to be an object for which indeed a specific provision was made at the time, to interpose when occasion may require for the reformation and suppression of any great and prominent evils which go to frustrate the purposes and ends of all good government, nor can we conceive anything to have a nearer concern with good government and the interests and welfare of the country than the preservation of social order and tranquillity.

83. This we apprehend never can be effected by the feeble operations of few darogahs and peons stationed through an extensive tract of country wanting in local influence and connection with the people, insufficiently remunerated to induce respectable men to accept the offices, placed beyond the sight and control of the magistrates and surrounded with various temptations, to betray their trust; yet such appear to be the only

instruments by which the details of the police are conducted in the Zemindary countries. This system has had a fair trial under the Bengal Government; and where—ever, as has been the case through the greater part of the Provinces, the magistrates have had no other agency to depend upon, for the maintenance of the public peace and order, than that of darogahs and peons, the consequence has been, that open and daring robberies and every other kind of individual outrage have prevailed to an extent which has rendered the persons and property of the inhabitants utterly insecure.

84. We must therefore call your serious attention to the necessity of taking measures in the Zemindary countries for the purpose of re-establishing this village police, agreeable to the usage of the country and of the placing it under the orders and control of the magistrate, and we further direct that in such other parts of the Madras possessions in which it may be found neglected or in a mutilated condition it be also restored to its former efficiency.

85. The services which will be rendered to the magistrates by this police agency when placed on the footing we have described and made to form an immediate branch of our system of government will, we are satisfied, enable you not only to reduce the greater part of the present darogah establishment but also effect a considerable reduction of the police corps still maintained by your Government at a heavy expense, and which nothing but the inefficient condition of the civil police could have justified to the extent to which they have been employed.

86. We have, as directly connected with the important question here discussed, bestowed much attention on the arguments which have been alleged by the Committee of General Police for formally investing the Zemindars with the nominal but honorary distinction of a superior authority, within their own limits, which should not vest in them the recommendation of the darogahs but the actual appointment of such officers to be in the magistrate, the individuals so appointed to be paid by the government. If we could encourage the expectation that such an arrangement, as the Committee have pointed out, would have the effect of removing any disposition, which this description of persons may at present feel to obstruct rather than to support our measures of internal administration, more particularly those of the police, it would be the strongest possible recommendation in its behalf; but we must own that the failure of all endeavours of a similar nature under the Bengal Government furnishes us with but little expectation that they would, in the present instance, answer any useful end.

87. To exclude them, however, altogether from a system which is to depend in so great a degree upon native agency would be mortifying to them, and not improbably excite their endeavour to frustrate the intended object. We shall not therefore object to your availing yourselves of their influence in the support of the police in the manner which has been ascribed, nor even to investing with actual authority for that purpose in such particular cases in which from the respectability of their characters and their disposition to co-operate in promoting the views of government, you may deem them

fit persons to be entrusted with the powers of an agent of police.

88. There is another point which we deem of essential and indispensable importance to the vigorous administration of the police, on which it is highly necessary that we should put you in the possession of our sentiment. We refer to the expediency of transferring the superintendence and control of the police of the zillahs to the Collectors of the revenue, with whom it formerly vested. A proposition to this effect was strongly recommended to the adoption of your Government, during the administration of Lord William Bentinck, by the Committee of General Police in their Report to which we have already referred. It then met with the decided approbation of his Lordship and when the subject came before us, we, in our Judicial Letter of the 31st January 1810, recommended it to your serious consideration.

89. It is quite evident to our minds that the Collectors of districts are the only persons who can effectually command the village police and regulate and control their conduct and proceedings. The amildar or collector under a native Government invariably administers the affairs of police, as well as superintends the revenue, and among his subordinate agents for the performance of these twofold duties are the Potails and Curnums and the Talliary police officers. In almost every instance, as we believe in the British possessions in India where the system of realizing the land revenue is by village or by ryotwar settlements, the Potal and Curnums act as the servants of the Collector,

and received the revenue from the actual cultivators within their village, and under a zemindary settlement, they are employed in the same business, with this only difference, that in this latter case, they are employed under the immediate orders of the Zemindar or his people. The services of the Taliar and Totie are also still required in conducting the details of the revenue under the Potail and Curnum.

90. To place therefore the superintendence of the revenue and of the police in the hands of separate individuals must necessarily produce a collision and clashing of authorities between them in the exercise of their respective functions, for both must mainly rest in the agency of the village officer, who being equally at the call of either, their services may be required at the same instant by both; this while it must distract the subordinate agent must in some degree affect the operations of the Magistrate and of the Collector. These two branches of the service are therefore paralyzed by a separation of power and authorities which under every native government and even under our own title of late years, were united in one person, an arrangement, which had its origin in the necessary and unavoidable connection which has been established by immemorial usage in India between police and revenue duties.

91. We have lately received the Report of Colonel Munro to the Committee of General Police, which we directed you to transmit to us in our Public Letter of .....[?]and we have found it much to strengthen and confirm our opinions and views on the above point.

92. In your letter in the Judicial Department of the 29th February 1812, you have in reply to our despatch of the 31st January 1810 stated your reasons for having thought proper to negative the proposition of the Committee of Police for uniting these authorities in the Collectors.

93. The great objection which you have urged against the proposed measures is "that it would be a departure from the fundamental principles of the present constitution of the Government." We are not disposed at present to enter upon the question generally to the union of revenue and judicial powers, but we are satisfied that such a union may safely and indeed advantageously be adopted with reference to revenue and police functions.

94. As to the additional expense that would attend the execution of the measure in question, which you have also alleged as a reason against its adoption, we are sanguine in the expectation that an efficient village police placed under the immediate superintendence of the Collector would so greatly improve the internal order and quiet of the country, that as we have already observed the services of the darogah establishments and of the police corps which are maintained in some parts of the country, at no small charge, might be gradually dispensed with. We are particularly led to entertain this expectation as well from what has been stated on this subject by the Committee of General Police (to which we called your attention in our Judicial Letter of the 21st January 1810) as by Colonel Munro in his paper of communications already referred to and by Colonel

Wilks in his "*Historical Sketches of the South of India*." By Colonel Munro is observed that "by reverting to the village institutions, an expensive Police which has been formed within these few years, and is still increasing, might be abolished as not only useless but vexatious to the country that there was already an ancient system of Police in India which answered every useful purpose, and which required no other aid unless that of being restored where it may have been destroyed by violence."; by Colonel Wilks it is affirmed that "the new establishments of Police, on which such large sums have been unnecessarily expended, might be entirely reduced, by putting into activity the admirable institutions of village Officers, instead of attempting to destroy that excellent instrument of Police of which " (he adds) "I speak not from vague tradition of what it has been but from a close observation of what it is."

95. Though we disapprove of the darogah branch of the existing system of police as ineffectual and ill-adopted to its intended purpose we are thoroughly satisfied of the necessity of some intermediate link of agency between the magistrate and the village officers, under whose authority and control the latter should be more directly placed. The tahsildars of districts form a part of the regular establishment of the Collector, to whom we propose to transfer the duties of magistrate, and as in their subordinate administration of the revenues of their districts they are closely connected and in constant communication with the Potails and other village officers, they at once appear the fittest substitutes that can possibly be provided for the darogahs.

By adding the functions of police to the revenue duties they at present discharge (and both invariably belong to them under a native government, you will completely effect that union of the two departments, which is, in our firm persuasion, alone compatible in an Asiatic country with the efficiency and vigor of either. We conceive thus all the arguments and considerations which have been urged in favour of vesting the general superintendence of the police in the Collector equally apply in principle to the employment of the tahsildars as their immediate agents, in this latter branch of the public service.

96. Under all the circumstances and considerations, which we have here brought forward, supported and established as they are by such highly respectable authorities, we are confirmed in the opinion that the arrangement we have proposed respecting the police is the best that it is practicable to devise.

97. The agents of the Collector in the administration of the police will be the district amildars or tahsildars, and the village Potails, Curnums, and Talliards, aided as occasion may require by the amildars' peons and by the Cutwals and their peons in large towns.

98. We shall now furnish you with our ideas on some points connected with the administration of Criminal Justice.

99. We consider it to be one great advantage which will attend the modifications of the existing system of civil jurisdiction which we have instructed you to

adopt, that they will so much relieve the judges of the provincial courts from the duties which they now have to discharge, in hearing appeals from the decisions of the zillah judges as to leave them little more to attend to than the criminal business of the circuits, which we find had induced you in the year 1808 to empower the Nizamut Adawlut occasionally to dispense with the periodical vacations of those courts, and which we further perceive, from the preamble of Regulation I of 1811, had in some instances, been so heavy that the half yearly circuits had not been completed before the arrival of the period fixed for the commencement of the ensuing circuit.

100. It is, however, but too evident that great extent of the local jurisdictions of the courts of circuit must still in various ways act as a serious impediment to the vigorous execution of the criminal laws. The Committee of General Police, in stating their sentiments on the judicial code, have observed that amongst other defects it had the disadvantage of deterring and discouraging persons from informing against or prosecuting public offenders by the expense and loss of time attending a prosecution, which instead of producing benefit to them adds to their misfortunes. This disinclination to prosecute and the impunity with which in consequence of it offenders too often escape the punishment due to them necessarily gives a confidence to the dishonest and depraved part of the community in the commission of crimes and misdemeanors, which must sensibly increase their numbers. It is further stated by the Committee of Police that the mode of "administering Criminal

Justice, under the system of half yearly Gaol deliveries, is so tardy (we should rather say the quantity of business to be got through is so great) that petty offenders who are only sentenced to imprisonment for two or three months as the punishment of their crimes may be four or five months in confinement before they are put upon their trial, and that the period of punishment prescribed by the Laws is thus postponed to so late a date after the Commission of the Crime, that the advantage of the example is lost."

101. It was these considerations which induced the Committee to recommend that the zillah judges, Collectors and Commercial Residents, should be empowered to hold Quarterly Sessions for the trial of offences which might not be of sufficient magnitude to require being postponed until the arrival of the Court of Circuit.

102. By Regulation I of 1811, you have specially provided for the holding of Quarterly Sessions in the zillah of Masulipatam, Chittore, Trichinopoly and North Malabar by one of the provincial judges, not engaged in the half yearly circuit. We are strongly of opinion that it would very much conduce to the more prompt and convenient administration of criminal justice, if the zillah judges were to be so far invested with a jurisdiction in criminal matters as to enable them to hear and determine all cases of public offence, not of a capital nature, and now cognizable by the Court of Circuit only, which might be brought before them by the Collector in his magisterial capacity, with a limitation in regard to

corporal punishment to 50 rattans, in regard to fines to 200 Arcot Rupees, and as to imprisonment to one year. We also conceive that the same desirable and important end would be materially furthered, were the Collectors, acting as the magistrates of zillahs, to be empowered to punish offenders by corporal punishment to the extent of 30 Rattans, by fine not exceeding 100 Arcot Rupees, and by imprisonment not of longer duration than three months. We are not prepared to recommend that the Collector should be associated with the zillah judges in the trial of offenders at Quarterly Sessions but we think this is matter worthy of consideration and if you should deem the measure expedient, we authorize you to adopt it.

103. It is also matter worthy of your consideration whether, in criminal cases, the sentence of the provincial Courts of Circuit may not be carried into immediate execution without a reference to the Nizamut Adawlut when the guilt is clearly established, and there seems to the circuit judge no ground for recommending the prisoner to mercy, and with the same view of expediting the administration of the criminal law, whether the present forms of proceeding in the Court of Circuit will not admit of simplification consistently with the substantial end of justice.

104. In addition to the advantages which we contemplate from the employment of the Collector in the administration of criminal justice, we are satisfied of the necessity of that arrangement from a reference to the letter from Bengal of the 2nd January 1813, which informs us that the judicial establishment of that

Presidency urgently requires that an assistance should be added to the register at each of the stations of the zillah and city magistrates and that of 60 writers required to be sent out this season, in addition to the usual number annually furnished, 39 are expressly stated to be wanted for the judicial department. The finances of the Company are certainly not equal to the pressure of such an establishment, and we trust, by the improved system of judicial administration which you are directed into execution, you will be enabled at once to abolish the office of Assistant Judge.

105. We cannot pass by the opportunity of recalling to your attention the observations contained in our Revenue Letter of the 16th December 1812, as to the enforcement of the Regulations concerning *Pattahs*; a strict observance of that Regulation would tend, we are convinced, equally to the benefit of the landholder and their tenants by rendering their respective rights and obligations more certain; it would facilitate the adjustment of disputes concerning rent or cultivation and would thereby operate as an additional relief to the court of justice.

106. We trust that, in consequence of our former reference to this subject, it has already occupied your attention. We are of opinion also that the regulations relating to *distrainments* require revision and amendment. The power of distraint without judicial process, which is given by Regulation 28 of 1802, is admitted to be one of the severest oppressions to which ryots and others can be exposed. The Pattah Regulation, duly observed, would afford the best safeguard against such oppression

and would have the effect of preventing in a great degree those disputes respecting rent, by which the country is so frequently disturbed. The enforcement of it is a concern of government, and the means of carrying it into execution ought to be secured by an adequate process.

107. The superintendence of this matter naturally falls to the Collector, in his magisterial capacity, whose duty it should be, with the assistance of the native officers under him, to take cognizance of any breach of the regulation, whether by the refusal or neglect to grant pattahs. No demand for arrears of rent should be receivable in any court but on a pattah, nor should he be at liberty to proceed to sell under distraint without an order from the Collector founded (if that should be necessary) upon a report from the potail or tahsildar, and the village and district punchayet respectively.

108. In furnishing you with these instructions for the enforcement of pattahs, we think it proper, at the same time, to declare that we by no means intend that the Zemindar should be released from the provisions of the existing law as to the rates of assessment on the land, but that he be equally liable, as before, to the penalties attendant upon an infringement of them.

109. In another numerous class of cases described in Regulation 32 of 1802, *viz.*, those of *disputed boundaries* the Collector should have nominal jurisdiction, that is, he (or his subordinate officers according to the extent) should decide them on the verdict of a

punchayet. We see no other mode of settling such litigated points in a satisfactory manner.

110. We have only further to add to this despatch our particular injunction that in any regulation which you may pass, for the purpose of notifying the alterations of system we have prescribed, that they may be expressed in a style and in a language the 'most familiar to the comprehension of the natives, and divested of technical terms borrowed from the legal forms and phrases of our judicatures in this country and that you also employ the best practicable means of circulating them among the inhabitants, and of rendering them acquainted with the nature of such regulations.

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## 11. Public Works.

(Revenue)

*3rd September 1817.*

64. The Reports of the Collectors contain much useful information on the state of the inland communication and after perusing these documents we are disposed generally to concur in the suggestions submitted to you by the Board of Revenue in their Secretary's letter of the 9th November 1813. The formation and maintenance of artificial Roads throughout the country is a work to which our finances are obviously inadequate, did not the nature of the soil and seasons oppose insurmountable obstacles to such an undertaking. They are satisfied nevertheless, that a good deal may be done, at no great expense towards improving the state of the Roads by giving them a better direction, cleaning them where they are overgrown with jungle, smoothing steep and rugged ascents, and draining and paving them in swampy situations where materials for the purpose can be found in the neighbourhood. Whether the inhabitants could be induced to contribute towards improvements of this sort from a sense of their utility as some of these Collectors seem to think is a question which may deserve consideration, but with reference to the strong representations which we have lately received from you respecting the pressure of the landed assessment on the agricultural resources of the country, we entertain the most serious doubts of the expediency of adopting any measure which in its operation would augment a burthen declared to be already too heavily felt.

65. The tolls which are collected at ferries, and which in some districts are brought to account as an article of revenue should be set apart as a fund for providing ferry boats and building bridges over rivers and nullahs, and in the event of tolls yielding more than what may be sufficient to defray the expenses of these accomodations the surplus may be appropriated to the repair of the public highways in those districts. It appears to be the general opinion that the construction of bridges and the establishment of ferry boats may be provided for by the same means in other districts.

66. We shall not object to the grant of mauniums for the erections and maintenance of choultries, provided care be taken that the land be applied to the purposes for which it is allotted.

67. It is very desirable for the sake of the general health of the population that some arrangement should be made for cleansing the towns of the filth which is permitted to accumulate in the streets. To this cause may be chiefly ascribed the epidemic diseases which frequently occur in the peninsula and which proved so fatal a few years ago in Nellore and the southern districts. We observe with satisfaction therefore that this evil has not escaped attention.

68. We hope also that means may be devised for employing the convicts on works of public utility without facilitating their escape.

69. We are fully satisfied that no plan for improving the internal communication throughout the country will be productive of substantial and permanent

benefit unless some of the controlling authorities at the Presidency be vested with power to superintend the whole of the details and to regulate the conduct of the subordinate functionaries employed in the execution of them. It is evident, from the reports of the Collectors, that the roads have been greatly neglected since the introduction of the judicial system and that this neglect has arisen, principally, from the circumstance of the duty of attending to their conservation and repair not having been distinctly assigned to either the Collectors or Magistrates. We entirely approve, therefore, of the suggestion that this duty shall hereafter be assigned to one of the Departments of Government, and we are at the same time of opinion that it may in consequence of the transfer of the police to the care and management of the Collectors be most appropriately made over to this class of functionaries, subject to the superintendence of the Revenue Board. We are accordingly pleased to learn from paragraph 12 of your subsequent letter in this Department dated the 5th January 1816 that you have referred the important subject touched on in the preceding paragraphs to the Commission for revising the judicial system and we shall be glad to be furnished with such communications as you may receive from them on this subject.

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## 12. Intemperance Among Indians

(Revenue)

*22nd May 1818.*

77. We are not informed whether any and what measures have been adopted in consequence of the representation of the Board of Revenue contained in the letter of their Secretary of the 21st September 1815 and other reference which was made thereon to your Advocate-General. The Revenue derived from spirituous liquors, is, of course, a secondary object when compared with the preservation of the public health and morals and we entirely agree in sentiment with our Revenue Board that a defalcation in the collections from this course would be immaterial were it attended with a corresponding improvement in the habits of the people. But we are deeply concerned to learn that so far from this improvement having taken place the use of intoxicating liquors has become very general among all castes at the Presidency.

78. The following passage in Mr. Secretary Hanbury's letter, whilst it describes the fatal extension of the evils, points out one of the causes to which in their opinion it may be ascribed: "The higher castes among the Hindoos who by their laws and customs are prohibited the use of spirituous liquors were formerly subject in this respect to the many wholesome restrictions imposed by the internal rules of their respective tribes and the occurrence of intoxication often subjected the offending party to severe punishment. It is true that in essential points the heads of castes continue to

exercise a doubtful civil jurisdiction over the members of their several tribes, but in consequence of their authority never having been openly recognised by the Government they no longer venture to impose petty criminal punishments and as no other authority has been substituted in their stead immorality has increased as the fear of punishment has diminished and as intoxication may now be indulged with impunity it has become very common even among the highest classes of the natives to the great scandal of the place and of the respectable part of the native community." There is a great concurrence of respectable opinion from every part of India as to the evils that have flowed from having diminished the authority of the heads of castes which authority seems to have been most imperfectly replaced by courts, over-burthened too, as they are, with a load of business which they cannot despatch. This question has occupied of late a large share of attention at the Presidencies of Bengal and Bombay and we must take the opportunity of calling your attention to it also. You will without loss of time apply to the Governments of Fort William and Bombay for such information as they may be able to afford to you upon this complicated and important subject. With such subjects you will be the better able to judge what modifications it may be fit to introduce into the existing Regulations with a view to deriving assistance from the authority of the heads of castes in the administration of that branch of justice which is connected with the daily life and religious prejudices of the natives. We shall be most anxious to learn the result of your enquiries and in the meantime we must

press upon your most serious attention this growing evil of drunkenness in the repression of which the character of our Government and the best interests of the people are equally involved.

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### 13. Corruption in Public Service

(Revenue)

*22nd May 1818*

88. It has of late too frequently been our unpleasant duty to bring to the notice of the Right Honorable the Governor in Council numerous instances of extensive embezzlements, repeated malversations, and fraudulent combinations on the part of the native servants employed in the administration of the various branches of the revenue entrusted to our management and it is with deep regret we confess that there are not many districts under the Presidency of Fort St. George which have not, within these few years past, afforded the most lamentable proofs of the prevalence of abuse in this department of our native agency.

The late bold and extensive embezzlements in the provinces of Coimbatore and Malabar, the considerable frauds on the cash chests at Malabar[?], Masulipatam and Guntoor, the general and organised system of corruption in the southern division of Arcot, the abuses of Nellore and Guntoor in the Sayer Department, and at Coimbatore and Cuddappah in the customs, and the corrupt practices of two successive head native servants in the Jaghire, not to enumerate the many inferior abuses which are daily brought to our notice, too amply prove that extensive abuses are practiced by the native servants in every branch of the Revenue Department and that the arrangements at present in force are totally insufficient for the prevention and punishment of these grave offences no less prejudicial in their consequences to the

revenue of the State than productive of the most serious injury to the morals of the people.

The notoriety of these abuses induced your Revenue Board so far back as the 22nd October 1813 to refer for the consideration and report of the several Collectors the outline of a new regulation for the detection and punishment of frauds committed by the native Revenue servants of Government and those connected with them. The Reports of the Collectors pursuant to that reference were transmitted to the Board in the end of 1813 and the beginning of the following year. The Regulation however was not submitted to you by the Board of Revenue until December 1815. In March 1816 it was sent by you to the Sudder Adawlut for revision, and it does not appear to have been promulgated in January 1817, the date of your last general Despatch.

89. Considering the urgent necessity which unquestionably existed for applying a remedy to an evil confessed to be so fatally prevalent, and which affected the character and the revenues of Government no less than the security of the people and the resources of the country, it is with no small concern we find that, from causes which yet remain unexplained, a period of more than three years should have elapsed, and that legislative measures for its suppression are still only in preparation.

90. The Coimbatore Commissioners have declared their opinion that the only effectual remedies for these disorders are :—(1) to increase the pay of the higher classes of native revenue servants, (2) to repeal the Servant Regulation as far as it regards the Revenue

Department, (3) to empower the Collector to investigate and determine all cases of extra collection and embezzlement, and (4) to recover the amount by summary process.

91. We observe from paragraphs 123 and 124 of your letter in this Department dated the 10th January 1817 that your attention has been drawn by the Board of Revenue to the means of more effectually [Board's Report dated 11th December 1815] securing and rewarding the fidelity of your native servants by the establishment of seminaries for their education, by increasing the allowance of Sheristadars, by conferring honorary distinctions and shrotriums on revenue servants of distinguished merit, by incorporating a Pension Fund for superannuated servants with the presents for the families of servants deceased, and by allowing certain commission to the native managers in the Salt and Sayer Departments on the amount of their collections.

92. The prevention of crime must undoubtedly be regarded by every humane and enlightened Government as an object much more desirable than its detection and punishment, and we approve the policy of stimulating men to an upright discharge of their duty by adequate pay, by the hope of reward, and by liberally remunerating those who have been distinguished by faithful and zealous exertion in the public service. We are sensible moreover that, under our Government, few offices of considerable emolument are open to the natives.

93. The establishment of seminaries for the education of natives, particularly Brahmins, as public

servants, with the view of improving their moral principles and attaching them to Government, is a measure which we agree with you in thinking well worthy of trial on a limited scale, so that no permanent expense shall be entailed upon the Government in the event of its failure, and we sincerely regret that the lamented death of Mr. Ross (with whom the suggestion originated and to whose valuable services the records of your Government bear ample testimony) should have defeated your intention of causing an experiment of its practical effects to be made under his superintendence. We trust, however, that the matter will not be allowed to drop, and we look forward with interest to the result of the reference which you have made to the College Board upon the subject.

94. We know not how far it may be practicable to find natives of character and education in the different districts capable and willing to undertake the office of instructing young men in the principles of morals and in various branches of useful knowledge, but if it should upon enquiry be found that the establishment of seminaries would be facilitated by annexing shrotriums to them in aid of the teachers, we should not, considering the importance of the subject in view, be adverse to the appropriation of small grants of rent free land for that purpose, a few grants of this description could not, we apprehend, be felt as a very serious burthen upon the revenue of the country whilst the funds arising from them, in addition to a moderate fee from the pupils, might operate as an inducement with persons of respectability to devote themselves to the instruction of

such as might be disposed to avail themselves of it. It will not, however, be advisable to make any permanent endowment of this sort in the first instance and even should the suggestion appear upon that to be worthy of larger experiment suitable precautions must be taken to prevent these establishments from becoming sinecures and thus degenerating into useless encumbrances.

95. Respecting the allowances to sheristadars which you have sanctioned on an increased scale ascending from Star Pagodas 80 to Star Pagodas 200 and graduated according to their length of service, the former scale having risen from Star Pagodas 60 to Star Pagodas 125 per mensem. We cannot help remarking that the highest rate of allowance on the Bengal Establishment to a sheristadar is 100, and of a tahsildar 250 Rupees per mensem.

96. It is easy to believe that, where there are strong temptations to fraud and particularly where the probable gain from a breach of trust is great, the most liberal allowances will, in the absence of moral principle and rigid control, prove but a feeble check upon its commission. The largest salary, for example, would have little influence in restraining the cupidity of a man like Causey Chetty, who according to the report of the Commissioners was suffered to plunder a single district of six lacs of pagodas in the course of seven years, or the common custom house officer at a petty chowky in Coimbatore who (according to the report of the Board of Revenue) carried to the account of Government only 19 Pagodas out of 420 which he had levied as customs, or another

person of a similar description in Cuddappah who is stated on the same authority to have oftener than once defrauded the Government of nearly 300 pagodas of diem[?]. We are at the same time perfectly aware that temptation may be expected to operate much more powerfully upon a person who is barely possessed of the legitimate means of obtaining a scanty subsistence than it will upon one more fortunately situated, and we think that the inadequate payment of those who have any trust reposed in them tends to destroy the principle of honesty and to tempt the pursuit of illicit gain. In fixing however the emoluments of public officers regard should be had not only to what the state can afford to pay but also to the wants and habits of those employed in its service. An allowance which would be inadequate to the maintenance of an European may be amply sufficient not merely for the subsistence but for the comfort of a native of India. The wants of the latter are few and easily supplied, and though the native officers in whom important trusts are vested should be enabled to support themselves and families in comfort and respectability and should also have the means of laying up property, yet, with reference to their frequently improvident habits, we consider it at least as desirable that some provision should be made for them when they retire from an active life and for their families after their decease.

97. These are our sentiments generally upon the subject, and, as we presume that you have graduated the proposed remuneration to sheristadars on as moderate a scale as was consistent with the laudable object you had in view, we shall not withhold our agreement to

this part of the management, subject however to a certain modification. We think, considering the importance of this subject, that your proposition should not have been carried into effect without having been first submitted to us for our sanction, and we must add that if it shall afterwards appear to be attended with a greater expense than you have led us to anticipate we shall probably deem it necessary to direct you to reconsider it. The increase of charge which may be occasioned by it you will report for our information. The principle which we prescribe is that the sheristadars (who are now divided into five distinct classes) shall not, at the expiration of a certain term of service, succeed as matter of course to the next higher rate of allowance but that their succession shall depend entirely upon the testimonials of the Collectors as to their official conduct, and in cases where these testimonials do not prove perfectly satisfactory, that promotion shall be stopped. We likewise direct that in no case a shrotrium be granted until our permission be previously obtained, and that when any recommendation is submitted to us it shall be accompanied with a particular report of the services rendered by the person on whom it may be proposed to confer this special mark of favour and with ample testimonies to his character and good conduct as well as with an accurate statement of the value of the land and of the deduction in the jumma which may be recommended in favour of the claimant. We of course intend that shrotriums should be in all cases limited to one two or three lives at the most; and care must be taken that they be resumed at the expiration of the original term of the grant.

98. With respect to grants of honorary distinctions to head native servants of distinguished merit, we think that the suggestion deserves further consideration. In 1801 a circular letter was addressed by the Governor-General to the judges and magistrates under the presidency of Fort William accompanied with a list of queries of which the following was one: "Are you of opinion that it would contribute to strengthen the attachment of the Natives to the British Government in India were the Government to declare itself to be the sole source of Honor within its territories and confer titles and other marks of distinction on its native subjects? " In looking over the answers which were returned to this question, we find that with two or three exceptions they were decidedly favourable to the measures therein proposed. We are not prepared to give a decided opinion upon the subject but we think it advisable that you should collect the sentiments of your judicial and revenue functionaries, both as to the estimation in which marks of honor, if conferred by the British Government, are likely to be held by the native community, and the sort of distinctions which could be most acceptable to their feelings.

99. The incorporation of a pension fund for superannuated servants with the presents for the families of servants deceased appears to us a very desirable measure. But, as this proposal has been referred to the committee for managing the present native pension fund, we shall defer making any further observation upon it until we are put in possession of their report.

100. To the proposition of the Revenue Board for allowing a certain commission to the native managers

in the Salt and Sayer Departments on the amount of their collections, we cannot assent on account of the objection we feel to that novel mode of remunerating native servants. We perfectly agree with you that the end in view will be better answered by bringing the Salt and Sayer collections as much as possible under the observation of some head native servant, with an allowance adequate to his responsibility.

101. There is one point upon which we most decidedly differ in opinion both with you and the Board of Revenue *viz.*, that all vacancies in the superior situations in the revenue department shall be supplied from among the persons already employed in that department. Where there is a competition of claims between strangers and persons actually employed in the revenue department for higher situations in that line of the service and where the candidates are supposed to be of equal merit, we have no hesitation in saying that a preference should be given to those already employed. But we are satisfied that we should ill consult the public interests were we to limit by *régulation* the number of those eligible to offices of trust, to exclude competition for employment and, in fact, to grant a monopoly of an important branch of the source to one particular class. We positively direct, therefore, if any rule to this effect shall have been laid down by you that it be immediately rescinded.

102. You will also have perceived from our late despatches in the revenue and judicial Departments that we are by no means prepared to concur in the

sentiments expressed in the 29th para of the report of your Board of Revenue respecting the advantages which have been derived or which may result from the restrictive provisions of Regulation I of 1809, even under the modifications which were applied to them by Regulation V of 1811. The evils arising from a contrary system (the Board observes) appear to have led to the promulgation of the first mentioned Regulation. The Board should at all events have stated what those evils were and whether they were to be compared in point either of magnitude or frequency, with those which have unhappily prevailed since the provisions of Regulation XII of 1802 and II of 1803 vesting Judges and Collectors with the power of appointing and removing their native servants were repealed. We have in vain searched the records of your government for any grounds of that repeal other than those alleged in the preamble to Regulation I of 1809, where it is made to rest not on the evils which had arisen from a contrary system but purely upon the assumption that benefit would result from multiplying checks upon the removal of the native servants from the offices to which they were appointed. We know, on the other hand, that, since these checks were imposed, the department of native agency under your native government has, to quote the words of your Revenue Board, 'been disgraced by the most artful intrigues, corrupt compacts, daring embezzlements, hardy frauds and shameless perjuries.' We know also that the feeling of independence which the native servants have acquired have made them indifferent to the approbation and in cases of detected villainy had

led them set the authority of their immediate superiors at defiance. We therefore repeat the instruction which was conveyed to you in our Judicial Despatch dated 25th March 1818.

103. The last point to which we would draw your attention is one to which the Coimbatore Commissioners most justly attach great importance and which they have illustrated by striking facts and powerful arguments namely empowering Collectors to investigate and determine all cases of extra collection and embezzlement to recover the amount by summary process.

104. In paras 68 to 81 of our Judicial Despatch to Bengal (a copy of which has been transmitted to you) we stated the reasons, why we were disposed to concur with the Governor General as to the expediency of employing Collectors and those engaged in that line of the service in the settlement of disputes respecting land rent between Zemindars and their under-tenants and between the latter and their ryots and respecting complaints of undue exactions on the part of the two last descriptions of persons. Since that despatch was written we have received advises from Bengal by which it appears much to our satisfaction that the Government of Fort William has issued instructions for the re-establishment of Mal Adawlut and that measures are actually in train for that purpose. The proposed constitution of this office has not yet been brought before us, but from the avowed sentiments of that government as well as our most able and experienced servants, both revenue and judicial, we have no doubt whatever that it will embrace the object which the Coimbatore Commissioners have in view

in the concluding part of their report. Indeed if Collectors are to have the power (which is now acknowledged on all hands in Bengal to be indispensable) of granting redress to the ryots in cases of over-exaction on the part of the Zemindars and their under-renters, we see no good reason why the power should be withheld from them of taking cognizances of complaints for undue exactions on the part of their official servants. We feel no hesitation therefore in directing you without delay to frame a regulation in conformity with the sentiments which we have just expressed.

105. In the minutes recorded by Mr. Fullerton and Mr. Alexander on your Revenue Consultations of the 13th October 1815, doubts are expressed whether it was our intention that Colonel Munro should be employed in any other civil capacity than the one to which he was expressly appointed. These doubts have been removed by our Judicial Despatch of the 20th December 1815 and we are happy to learn from paragraphs 32 and 33 of your judicial letter dated the 17th February 1817, that Colonel Munro had been instructed on the occasion of his late departure from the Presidency to make such enquiries into the revenue affairs of the districts through which he should pass as he might think useful and report his observations to Government. The high opinion we entertain of the services and merits of Colonel Munro is well known to you. We are anxious of being put in possession of every report you may receive from him on the revenue administration of the territories under your Presidency.

## 14. Government Expense for Religious Ceremonies

*10th September 1823.*

(Revenue)

97. Upon general principles we are certainly averse to the prohibition of any religious ceremonies, but in removing the restraint in question, in addition to the agreement entered into by the different heads of castes at Madras, a distinct indication should have been given that as the place must be preserved such Regulations as are necessary for that purpose cannot be dispensed with. It is certainly inconsistent with our notions of propriety that in permitting superstitious ceremonies expense should be increased by Government for the performance and support of them. Where it is customary and established such an expense may not be proper to be abolished, except by degrees. We however admit that there may sometimes be, as there appears to have been in the present instance, a prejudice operating in so forcible a manner as to justify some pecuniary sacrifice.

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## 15. Service Lands

*10th September 1823.*

(Revenue)

113. We allow its full weight to the great value which is set by the natives on payment of service by land and have no doubt that you may avail yourselves of this predilection to various good purposes. We are also, of course, accordingly desirous that the rights of property wherever possession can be rationally regarded as having grown into a species of property should not be violated. Where there is not property, however, undoubtedly established, the quantity of service land must be measured by utility, in other words by the value of the service for which it is the reward. We think we perceive a little too much eagerness on the part of the Board of Revenue to restore to the class of persons here adverted to whatever had on any pretence been possessed by them. In restoring lands of this description it is competent to you to draw a distinction between such institutions as are essential to the regular administration of the country and such as are of doubtful utility. We have no doubt of your regulating this matter with justice and discretion.

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## 16. Educational Inquiry

*18th May 1825.*

Revenue.

20. We think great credit is due to Sir Thomas Munro for having originated the idea of this enquiry. We shall be better able when we have seen specimens of the reports to judge whether the prescribed enquiry is sufficient to bring forth all the useful information capable of being obtained. The proportion in which the great body of the people obtain the knowledge of reading and writing, the degree to which the means of obtaining them are placed within their reach, the extent to which the branches of knowledge esteemed of a higher kind, are objects of pursuit, and the means of instruction in them afforded are the most important points, and these appear to be fully embraced. The most defective part of the information which will thus be elicited is likely to be that which relates to the quality of the instruction which the existing education affords. But of this we shall be able to form a more correct opinion when we see what the reports contain. It was proper to caution the Collectors against exciting any fears in the people that their freedom of choice in matters of education would be interfered with. But it would be equally wrong to do anything to fortify them in the absurd opinion that their own rude institutions of education are so perfect as not to admit of improvement.

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## APPENDIX C.

### The Duke of Wellington's Maxims and Opinions on Indian Government.

1800-1850

[For the 'Wellesley System', read the Reports of Colonel Mark Wilks and Colonel Jenkins for Mysore and Nagpur respectively.]

#### 1. India.

*8th July 1800*

As for the wishes of the people, particularly in this country (India), I put them out of the question. They are the only philosophers about their governors that I ever met with, if indifference constitutes that character.

#### 2. Principle of Warfare in India.

*17th August 1803*

We must get the upper hand, and if once we have that, we shall keep it with ease, and certainly succeed. But if we begin by a long defensive warfare, and go looking after convoys that are scattered over the face of the earth, and do not attack briskly, we shall soon be in distress.

#### 3. The Power of Sword Necessary in India.

*13th October 1803*

It is necessary that the political agents at the Durbars of the native princes should be supposed to have a considerable degree of power. In this part of the world there is no power excepting that of the sword; and it follows that if these political agents have no authority over the military, they have no power whatever.

The natives would soon find out this state of weakness, and the Residents would lose their influence over their councils. It may be argued if that is the case, the military commanding officer ought to be the Resident or Political Agent. In answer to this argument, I say that the same reasoning applies to every part of the executive government; and that, upon this ground, the whole ought to be in the hands of the military. In short, the only conclusion to be drawn from all reflection and reasoning upon the subject is, that the British government in India is a phenomenon; and that it will not answer to apply to it, in its present state, either the rules which guide other governments, or the reasoning upon which these rules are founded.

#### **4. Foundation of British Power in India in 1803.**

*16th January 1804*

The British Government has been left by the late Mahratta war in a most glorious situation. They are the sovereigns of a great part of India, the protectors of the principal powers, and the mediators by treaty of the disputes of all. The sovereignty they possess is greater, and their power is settled upon more permanent foundations, than any before known in India; all it wants is the popularity which, from the nature of the institutions and the justice of the proceedings of the government, it is likely to obtain, and which it must obtain, after a short period of tranquillity shall have given the people time and opportunity to feel the happiness and security which they enjoy.

## 5. British "Moderation" in India

*29th January 1804*

I declare that, when I view the treaty of peace (after the Mahratta war), and its consequences, I am afraid it will be imagined that the moderation of the British government in India has a strong resemblance to the ambition of other governments.

## 6. Contrast between European and Asiatic Policy

*1804*

European governments were, till very lately, guided by certain rules and systems of policy so accurately defined and generally known, that it was scarcely possible to suppose a political event, in which the interest and conduct of each state would not be as well known to the corps diplomatique, in general, as to the statesmen of each particular state. The Asiatic governments do not acknowledge, and hardly know of such rules and systems. Their governments are arbitrary; the objects of their policy are always shifting; they have no regular established system, the effect of which is to protect the weak against the strong; on the contrary, the object of each of them separately, and of all of them taken collectively, is to destroy the weak; and if by chance they should, by a sense of common danger, be induced for a season to combine their efforts for their mutual defence, the combination lasts only so long as it is attended with success; the first reverse dissolves it; and, at all events, it is dissolved long before the danger ceases, the apprehension of which originally caused it. The Company's government in India, the other contracting party

to their alliance, is one bound by all the rules and systems of European policy. The Company's power in India is supposed to depend much upon its reputation ; and although I do not admit that it depends upon its reputation, as distinguished from its real force, as appears to be contended by some, I may say that it is particularly desirable for a government, so constituted as the Company's, never to enter upon any particular object, the probable result of which should not be greatly in favour of success.

Besides this, the Company's government in India is bound by Acts of Parliament not to undertake wars of aggression, not to make any but defensive alliances, and those only in cases in which the other contracting party shall bind itself to defend the possessions of the Company actually threatened with hostilities.

The Company's government in India is also connected with His Majesty's Government, and, as an Asiatic power, is liable to be involved in wars with European powers possessing territories in India, whenever His Majesty shall be at war with those powers.

The picture above drawn of the state of politics among Asiatic powers, proves that no permanent system can be adopted which will preserve the weak against the strong, and will keep all for any length of time in their relative situations, and the whole in peace; excepting there should be one power, which, either by the superiority of its strength, its military system, or its resources, shall preponderate, and be able to protect all.

## **7. Spirit of Public Service.**

*2nd March 1804*

It is necessary for a man who fills a public situation, and who has great public interests in charge, to lay aside all private considerations, whether on his own account or that of other persons.

## **8. Character of Peace.**

*12th March 1804*

When war is concluded, all animosity should be forgotten.

## **9. The British Character for good faith must be preserved in India.**

*17th March 1804*

I would sacrifice Gwalior, or every portion of India ten times over, in order to preserve our credit for scrupulous good faith, and the advantages and honour we gained by the late war and the peace; and we must not fritter them away in arguments, drawn from overstrained principles of the laws of nations, which are not understood in this country. What brought me through many difficulties in the war, and the negotiations for peace? The British good faith, and nothing else.

## **10. Civil Government in India must follow immediately on Military conquest.**

*20th March 1804*

I rather think that you and the Governor-General agree in opinion on the subject of the affairs of Malabar. He says, "Examine and report the state of the province before you commence your military operations; define

the evils, and propose a system of government which shall afford a remedy, towards the establishment of which system military operations may be directed."

It would be useless to commence military operations upon any great scale, unless the civil officers should be prepared to take possession of the Country, and to re-establish the civil government as the troops shall conquer it. If the civil government were not re-established in this manner, the rebels would rise again as soon as the troops would pass through the districts; and the effect of the operations of a large body of troops would be much the same as that of a small body. But if the civil government is to be re-established in this manner, it would be better to establish that system which is found to be good, and is to be permanent, than that which is known to be bad, and which is intended should not last. Supposing that the bad system were first introduced, it must be followed afterwards by the good one; and, supposing that the bad system did not produce a rebellion of itself (which I acknowledge I do not think it would, as rebellion in Malabar is to be traced to causes entirely independent of all systems of civil government excepting as they are connected with a strong or weak military force), the change from the bad to the good system would produce a degree of convulsion, and, possibly, momentary weakness, which it is always desirable to avoid. It is particularly desirable to avoid it in this instance, as it will not be difficult, by an examination of all that has passed in Malabar, to fix upon the general principles according to which that province ought to be governed, and to form a system

accordingly, in the time which must elapse before the troops can be employed in settling the provinces.

## 11. Principle of Relief to the Poor.

*11th April 1804*

The principle of the mode in which I propose to relieve the distresses of the inhabitants is not to give grain or money in charity.

Those who suffer from famine may properly be divided into two classes: those who can, and those who cannot, work. In the latter class may be included old persons, children, and the sick women; who, from their former situation in life, have been unaccustomed to labour, and are weakened by the effects of famine.

The former, *viz.*, those of both sexes who can work, ought to be employed by the public; in the course of this letter I shall point out the work on which I should wish that they might be employed, and in what manner paid. The latter, *viz.*, those who cannot work, ought to be taken into an hospital and fed, and receive medical aid and medicine at the expense of the public.

According to this mode of proceeding, subsistence will be provided for all; the public will receive some benefit from the expense which will be incurred, and, above all, it will be certain, that no able-bodied persons will apply for relief, unless he should be unwilling to work for his subsistence; that none will apply who are able to work, and who are not real objects of charity; and that none will come to Ahmednuggur for the purpose of partaking of the food which must be procured by

the labour, or to obtain which they must submit to the restraint of an hospital.

## 12. Importance of Secrecy in Public Affairs.

*28th June 1804*

There is nothing more certain than that of one hundred affairs ninety-nine might be posted up at the market-cross, without injury to the public interests ; but the misfortune is that where the public business is the subject of general conversation, and is not kept a secret, as a matter of course, upon every occasion, it is very difficult to keep it secret upon that occasion on which it is necessary. There is an awkwardness in a secret which enables discerning men (of which description there are always plenty in an army) invariably to find it out; and it may be depended upon that, whenever the public business ought to be kept secret, it always suffers when it is exposed to public view. For this reason secrecy is always best ; and those who have been long trusted with the conduct of public affairs are in the habit of never making known public business of any description that it is not necessary that the public should know. The consequence is that secrecy becomes natural to them, and as much a habit as it is to others to talk of public matters ; and they have it in their power to keep things secret or not, as they may think proper.

Remember that what I recommend to you is far removed from mystery ; in fact, I recommend silence upon the public business upon all occasions, in order to avoid the necessity of mystery upon any.

### 13. Advice to a Native Ruler in India.

*2nd March 1805*

Let the prosperity of the country be your great object ; protect the ryots and traders, and allow no man, whether invested with authority or not, to oppress them with impunity. Do Justice to every man.

### 14. Employments into Public Service.

*House of Commons, 11th May 1808*

Without distinction of religion every man ought to be called upon to do service to the State, wherever he is particularly qualified to do that service.

### 15. Control of the Navy and Army.

*House of Commons, 3rd June 1808*

The navy is the characteristic and constitutional force of Britain, and may therefore be governed by regulations of the Legislature ; but the army is a new force, arising out of the extraordinary exigencies of modern times, and from every consideration of expediency and necessity, must be left under the control of the Crown.

### 16. The Law-breaker always Wrong.

*House of Commons, 7th July 1808*

It frequently happens that the people who do commit outrages and disturbances have some reason to complain ; but he who breaks the law must be considered in the wrong, whatever may have been the nature of the provocation which he has received.

## 17. Danger of interfering with the Religion of the Hindoos.

*House of Lords, 13th August 1839*

My lords, I served in India for a considerable length of time; but I never saw—I never heard of—anything so revolting in the religious ceremonies of the natives as has been described by the noble duke and by the right reverend prelate. The whole army, while I was in India, except about 50,000 men consisted of idolaters; but they were so good soldiers as could be found anywhere. They performed, in the best manner, any service that was required of them; and certainly, at that time, the object of the government and of every man in the service of the government, was to avoid, not only interference, but even the semblance of any interference, in any manner, in the idolatrous rites and ceremonies of the country. I have not read one of the despatches which have been alluded to, and I must say that I have seen too much, in my own experience, to encourage the practice of encouraging documents of this description. I beg your lordships to recollect, that with the exception of about 20,000 of Her Majesty's troops, and, with the exception of the civil servants of the government, and the few European residents in the country, there is not a man in India who is not an idolater, to manage the affairs of that most extensive and important empire. I would entreat your lordships never to lose sight of that fact. I know, too, from experience for I have seen the missionaries at work, the little progress which they make; and I know at the same time their

labour creates a good deal of jealousy. I warn the government not to go too far in their measures against the idolatry of India ; for the Indian empire is one of great importance, and they must not expect to convert 100,000,000 of idolaters to our holy religion by the small means at their disposal.

### 18. Evils of the Press in India

*House of Lords, 9th March 1843.*

The state of things in that country is one of much greater difficulty now than when I was there, because there is now established in India what is called a free press, but which I should make free to call a most licentious press ; and by referring to papers your lordships will see that the mischievous influence of that press is repeatedly complained of. For my own part, I must own, I do not see how the operations of war can be carried on in a satisfactory manner in India, with such a press constantly exercising its influence, and connected through its correspondents with every cantonment of the army.

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## APPENDIX D

## Letter of Raja Ram Mohan Roy to Lord Amherst.

[*Compare this letter with Macaulay's Education Minute*]

11th December 1823.

My Lord,

Humbly reluctant as the natives of India are to obtrude upon the notice of government the sentiments they entertain on any public measure, there are circumstances when silence would be carrying this respectful feeling to culpable excess. The present rulers of India, coming from a distance of many thousand miles, to govern a people whose language, literature, manners, customs, and ideas, are almost entirely new and strange to them, cannot easily become so intimately acquainted with their real circumstances as the natives of the country are themselves. We should therefore be guilty of a gross dereliction of duty to ourselves, and afford our rulers just ground of complaint at our apathy, did we omit on occasions of importance like the present to supply them with such accurate information as might enable them to devise and adopt measures calculated to be beneficial to the country, and thus second by our local knowledge and experience their declared benevolent intentions for its improvement.

The establishment of a new Sanskrit school in Calcutta evinces the laudable desire of government to improve the natives of India by education—a blessing for which they must ever be grateful; and every well-wisher of the human race must be desirous that the efforts made to promote it should be guided by the most enlightened principles, so that the stream of intelligence may flow in the most useful channels.

When this seminary of learning was proposed, we understood that the government in England had ordered a considerable sum of money to be annually devoted to the instruction of its Indian subjects. We are filled with sanguine hopes that this sum would be laid out in employing European gentlemen of talents and education to instruct the natives of India in mathematics, natural

philosophy, chemistry, anatomy, and other useful sciences, which the nations of Europe have carried to a degree of perfection that has raised them above the inhabitants of other parts of the world.

While we looked forward with pleasing hope to the dawn of knowledge thus promised to the rising generation, our hearts were filled with mingled feelings of delight and gratitude; we already offered up thanks to Providence for inspiring the most generous and enlightened nations of the west with the glorious ambition of planting in Asia the arts and sciences of modern Europe.

We find that the government are establishing a Sanskrit school under the Hindu pundits, to impart such knowledge as is already current in India. This seminary (similar in character to those which existed in Europe before the time of Lord Bacon) can only be expected to load the minds of youth with grammatical niceties and metaphysical distinctions of little or no practical use to the possessors or to society. The pupils will there acquire what was known two thousand years ago, with the addition of vain and empty subtilities since produced by speculative men, such as is already being commonly taught in all parts of India.

The Sanskrit language, so difficult that almost a lifetime is necessary for its acquisition, is well known to have been for ages a lamentable check on the diffusion of knowledge; and the learning concealed under this almost impervious veil is far from sufficient to reward the labour of acquiring it. But if it were thought necessary to perpetuate this language for the sake of the portion of valuable information it contains, this might be much more easily accomplished by other means than the establishment of a new Sanskrit college; for there have been always and are now numerous professors of Sanskrit in different parts of the country engaged in teaching this language as well as the other branches of literature which are to be the object of the new seminary. Therefore their more diligent cultivation, if desirable, would be effectually promoted by holding out premiums and granting certain allowances to their most eminent professors, who have already undertaken on

their own account to teach them, and would by such rewards be stimulated to still greater exertions.

From these considerations, as the sum set apart for the instruction of the natives of India was intended by the government of England for the improvement of its Indian subjects, I beg leave to state, with due deference to your Lordship's exalted situation, that if the plan now adopted be followed, it will completely defeat the object proposed ; since no improvement can be expected from inducing young men to consume a dozen of years of the most valuable period of their lives in acquiring the niceties of Byakaran or Sanskrit grammar. For instance, in learning to discuss such points as the following: khad signifying to eat, khaduti, he or she or it eats; query, whether khaduti taken as a whole, conveys the meaning, he, she, or it eats, or are separate parts of this meaning conveyed by distinctions of the word ? As if in the English language it were asked, how much meaning is there in the 'eat', how much in the 's' ? and is the whole meaning of the word conveyed by these two portions of it distinctly, or by them taken jointly ?

Neither can much improvement arise from such speculations as the following, which are the themes suggested by the Vedant ;— in what manner is the soul absorbed into the deity ? What relation does it bear to the divine essence ? Nor will youths be fitted to be better members of society by the vedantic doctrines, which teach them to believe that all visible things have no real existence; that as father, brother, &c., have no actual entity, they consequently deserve no real affection, and therefore the sooner we escape from them and leave the world the better. Again, no essential benefit can be derived by the student of the Mimansa from knowing what it is that makes the killer of a goat sinless on pronouncing certain passages of the Vedant, and what is the real nature and operative influence of passages of the Vedas, &c.

The student of the Nyayasastra cannot be said to have improved his mind after he has learned from it into how many ideal classes the objects in the universe are divided, and what speculative

relation the soul bears to the body, the body to the soul, the eye to the ear, &c.

In order to enable your Lordship to appreciate the utility of encouraging such imaginary learning as above characterized, I beg your Lordship will be pleased to compare the state of science and literature in Europe before the time of Lord Bacon with the progress of knowledge made since he wrote.

If it had been intended to keep the British nation in ignorance of real knowledge, the Baconian philosophy would not have been allowed to displace the system of the school-men, which was the best calculated to perpetuate ignorance. In the same manner the Sanskrit system of education would be the best calculated to keep this country in darkness, if such had been the policy of the British Legislature. But as the improvement of the native population is the object of the government, it will consequently promote a more liberal and enlightened system of instruction; embracing mathematics, natural philosophy, chemistry, anatomy, with other useful sciences, which may be accomplished with the sum proposed by employing a few gentlemen of talents and learning educated in Europe, and providing a college furnished with necessary books, instruments and other apparatus.

In representing this subject to your Lordship, I conceive myself discharging a solemn duty which I owe to my countrymen, and also to that enlightened sovereign and legislature which have extended their benevolent care to this distant land, actuated by a desire to improve its inhabitants, and therefore humbly trust you will excuse the liberty I have taken in thus expressing my sentiments to your Lordship.

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## Raja Ram Mohan Roy on Colonization.

*(in his answers to the queries of the Board of Control)*

1831.

QUESTION:—Would it be advantageous or the reverse to admit Europeans of all descriptions to become settlers ?

ANSWER:—Such a measure could only be regarded as adopted for the purpose of *entirely supplanting the native inhabitants, and expelling them from the country*; because it is obvious, that there is no resemblance between the higher and educated classes of Europeans and the lower and uneducated classes. The difference in character, opinions, and sentiments, between the European and the Indian race, particularly in social and religious matters, is so great, that the two races could not possibly exist as one community in a country conquered by the former, unless they were assimilated by constant intercourse, continued and increased for a long period of years under a strong and rigorous system of police, in every village large and small; an establishment so expensive, however, that the present revenues of India could not support it. Such an assimilation has, in some measure, taken place at Calcutta, from the daily communication of many of the respectable members of both communities; yet even in that capital, though the seat of Government, and numerous police officers are placed at almost every-hundred yards, the common Europeans are often disposed to annoy the native inhabitants. Without capital, the humble classes of European society could not in a hot country compete

with the native labourers, who are accustomed to the climate, and from their very habits of life in regard to food, clothes, and lodging, can subsist on at least one-sixth, if not one-tenth of what is required by an European labourer ; consequently, the latter would not find his situation at all improved, but the very reverse, by emigrating to India.

QUESTION:—Would the judicial system as at present established, be sufficient to control the European settlers in the interior of the Country ?

ANSWER :—At present, British-born subjects are not amenable to the Company's courts, except as regards small debts under £ 50, and for petty cases of assault ; consequently under the present regulations, the courts as now established are by no means competent to exercise an adequate control over British-born subjects in the interior.

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## APPENDIX E.

### The Perpetuation of the Munro System

#### 1. General Policy

##### The Queen's Proclamation, 1858

Firmly relying ourselves on the truth of Christianity and acknowledging with gratitude the solace of religion, we disclaim alike the right and desire to impose our convictions on any of our subjects. We declare it to be our Royal Will and Pleasure that none be in any wise favoured, none molested or disquieted, by reason of religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law; and we do strictly charge and enjoin all those who may be in authority under us that they abstain from all interference with the religious belief of our subjects on pain of our highest displeasure.

We know, and respect, the feelings of attachment with which the natives of India regard the lands inherited by them from their ancestors, and we desire to protect them in all rights connected therewith, subject to the equitable demands of the State; and we will that, generally, in framing and administering the law, due regard be paid to the ancient rights, usages, and customs of India.

#### 2. Self-Government

##### The Declaration of Parliament, 1917

The policy of His Majesty's Government, with which the Government of India are in full

accord is that of.....the gradual development of Self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire.

### 3. 'Clear laws'

**The Imperial Gazetteer, 1909. Vol. IV. Chapter V.  
Legislation and Justice**

*(a) Policy (Page 128, lines 4-8)*

In this way the British took the line of least resistance, and to it they have adhered, accepting and carrying on as far as possible what they found, and obtruding only so much of their own law as India from time to time became fitted to receive.

*(b) Codification (Pages 138-9, The last para)*

The Charter Act of 1833 provided for the appointment of a body of experts, to be called the Indian Law Commission, who were to report upon the courts, the procedure, and the law of British India. On this Macaulay, the first Law Member of the Governor-General's Council, was the moving spirit, and with it the work of codification began. It drafted a Penal Code, which was however, not passed till 1860, for activity declined after Macaulay's return to England, and the draft was strenuously criticized by many of the judges in India. A second Commission which sat in England and was nominated under an Act of Parliament in 1853, secured the enactment, with some revision, of its predecessor's Penal Code, as also of two Codes of Civil and Criminal Procedure. Yet a third Commission was convened in 1861, and by it

several measures were drafted ; but the members resigned in 1870, and since then the work of preparing, as well as of carrying through, codifying bills has been done almost entirely in India under the guidance of the Law Members of Council. India has been the most successful field of English codification, every important branch of the English law in force in the country, except that of torts, having been incorporated in the form, and reduced to the dimensions, of codes.

#### **4. Education.**

##### **Wood's Despatch of 1854.**

97. We have now concluded the observations which we think it necessary to address to you upon the subject of the education of the natives of India. We have declared that our object is to extend European knowledge throughout all classes of the people. We have shown that this object must be effected by means of the English language in the higher branches of institution, and by that of the vernacular languages of India to the great mass of the people. We have directed such a system of general superintendence and inspection by Government to be established as will, if properly carried out, give efficiency and uniformity to your efforts. We propose by the institution of universities to provide the highest test and encouragement of liberal education. By sanctioning grants-in-aid of Private efforts, we hope to call to the assistance of Government private exertions and private liberality. The higher classes will now be gradually called upon to depend more upon themselves ; and your attention has been more especially directed to the education of the middle

and lower classes, both by the establishment of fitting schools for this purpose and by means of a careful encouragement of the native schools which exist, and have existed from the time immemorial, in every village, and none of which perhaps cannot, in some degree, be made available to the end in view. We have noticed some particular points connected with education, and we have reviewed the condition of the different presidencies in this respect, with a desire to point out what should be imitated, and what is wanting, in each.

100. As a Government, we can do no more than direct the efforts of the people, and aid them wherever they appear to require most assistance. The result depends more upon them than upon us ; and although we are fully aware that the measures we have now adopted will involve in the end a much larger expenditure upon education from the Revenues of India, or in other words, from the taxation of the people of India, than is at present so applied, we are convinced, with Sir Thomas Munro, in words used many years since, that any expense which may be incurred for this object " will be amply repaid by the improvement of the country ; for the general diffusion of knowledge is inseparably followed by more orderly habits, by increasing industry, by a taste for the comforts of life, by exertion to acquire them, and by the growing prosperity of the people."

## **5. Finance.**

### **(i) The Land Revenue Policy of the Government of India. 1902.**

38. In the review of their land revenue policy which has now been brought to a close, the Government of

India claim to have established the following propositions, which, for convenience' sake, it may be desirable to summarise before concluding this Resolution :—

1. That a Permanent Settlement, whether in Bengal or elsewhere, is no protection against the incidence and consequences of famine.
2. That, in areas where the State receives its land revenue from landlords, progressive moderation is the keynote of the policy of Government, and that the standard of 50 per cent of the assets is one which is almost uniformly observed in practice, and is more often departed from on the side of deficiency than of excess.
3. That in the same areas the State has not objected, and does not hesitate, to interfere by legislation to protect the interests of the tenants against oppression at the hands of the landlords.
4. That, in areas where the State takes the land revenue from the cultivators, the proposal to fix the assessment at one-fifth of the gross produce would result in the imposition of a greatly increased burden upon the people.
5. That the policy of the long-term settlements is gradually being extended, the exceptions being justified by conditions of local development.
6. That a simplification and cheapening of the proceedings connected with new settlements,

and an avoidance of the harassing invasion of an army of subordinate officials are a part of the deliberate policy of Government.

7. That the principle of exempting or allowing for improvements is one of general acceptance, but may be capable of further extension.
8. The assessments have ceased to be made upon prospective assets.
9. That local taxation as a whole though susceptible of some redistribution is neither immoderate nor burdensome.
10. That over-assessment is not, as alleged, a general or widespread source of poverty and indebtedness in India, and that it cannot fairly be regarded as a contributory cause of famine.

The Government of India have further laid down liberal principles for future guidance and will be prepared, where the necessity is established, to make further advance in respect of :—

11. The progressive and graduated imposition of large enhancements ;
  12. Greater elasticity in the revenue collection, facilitating its adjustment to the variations of the seasons, and the circumstances of the people ;
  13. A more general resort to reduction of assessments in cases of local deterioration, where such reduction can not be claimed under the terms of settlement.
- .

39. In thus defining their policy, the Government of India would not desire to claim for the land revenue system of British India an exactitude or a freedom from blemish to which it cannot pretend. Historically it owes its immediate origin to practices inherited from the most decadent period of native rule, and its form to changes made slowly, and not without mistakes, by men who were aliens to the country, and could only with difficulty, and by slow degrees, assimilate the requirements or enter into the feelings of the people. Where habit and precedent count for more than wisdom, there has been need for caution in reform; and logical completeness or simplicity could not be expected of a system born amid such surroundings, applied to such manifold conditions and to so heterogeneous a population, and subject in the various stages of its development, to considerations of practical expediency rather than of abstract symmetry or scientific perfection. Indeed the one claim which the Government of India would decline to make for the land revenue system of this country is that it can properly be regarded as a science at all. In no country can land valuation be so described; and India, in spite of records, estimates, and tables is no exception to the rule. A part of the weakness of the criticisms which have been directed against it, arises from the erroneous assumption that it can be regulated by fixed laws, or shaped by arithmetical standards. Assessments cannot be dictated by the theorist in his study; they elude dogmatic treatment, and can only be safely worked out by Settlement Officer in the village and on the fields. While they may admit of statistical

analysis, they are liable to be hampered by premature statistical definition. The true function of Government is to lay down broad and generous principles for the guidance of its officers, with becoming regard to the traditions of the province and the circumstances of the locality, and to prescribe moderation in enhancement, and sympathy in collection. Above all it is its duty to exercise discrimination in the choice of agents whom it employs for this most critical and responsible of tasks. The Governor-General in Council acknowledges with gratitude the services that have been rendered to Government in this respect by a long line of devoted and capable officers and he believes that the existing system, if pursued upon the lines that have been indicated, is both well suited to the present conditions of the country, and compatible with its future development, and that the revenues which it provides, and which is more lenient in its incidence than at any previous stage of Indian history, is capable of being levied from the people with surprisingly little hardship and without discontent.

### **(b) Fiscal Policy in the post-war period**

The comprehensive resolution of the Legislative Assembly on the 16th February, 1923, accepted by the Government of India.

- (a) That we accept in principle the proposition that the fiscal policy of the Government of India may legitimately be directed towards fostering the development of industries in India ;

- (b) That in the application of the above principle of protection, regard must be had to the

financial needs of the country and to the present dependence of the Government of India on import, export, and excise duties for a large part of its revenue ;

(c) That the principle should be applied with discrimination, with due regard to the well-being of the community and subject to the safeguards suggested in paragraph 97 of the Report of the Fiscal Commission ;

(d) That in order that effect may be given to these recommendations, a Tariff Board should be constituted for a period not exceeding one year in the first instance.....

## **6. Employment of Indians**

### **i. The Queen's Proclamation, 1858**

And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted in our service, the duties of which they may be qualified, by their education, ability, and integrity, duly to discharge.

### **ii. The Declaration of Parliament, 1917**

The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration.....

## 7. The Indian States

### i. The Queen's Proclamation, 1858

We hereby announce to the native princes of India that all treaties and engagements made with them by or under the authority of the Honourable East India Company are by us accepted, and will be scrupulously maintained and we look for the like observance on their part.

### ii. The White Paper, 1933

7. The States, on the other hand, though they are under the suzerainty of the King-Emperor, form no part of His Majesty's dominions.....

## 8. The Indian Army.

(Notes from the Cambridge History of India. Volume VI. Chapter XXII)

- (a) The Viceroy, Lord Canning, at first favoured a system advocated many years before by Sir Thomas Munro, of a large European force enlisted for permanent service in India, but it was finally decided that the European element should be provided by the British Army. P. 395
- (b) The three presidency armies were reorganised on what was inaccurately termed the irregular system, which had been advocated by Sir Thomas Munro and Sir John Malcolm. P. 396
- (c) The Company's military college at Addiscombe was closed, and new appointments to the Staff Corps were made only from British regiments.

At a later date those examined for entrance to Sandhurst competed for commissions in the Indian Army, and on leaving the college were placed on an Unattached List, and, as had been recommended by Munro, were attached for a year to British regiments serving in India, before being posted to native regiments. P. 397

(d) .....in 1885, when the Panjdeh incident pre-saged the possibility of war with Russia, it became necessary to prepare the army in India to meet a European enemy. P. 397

(e) In 1895, therefore, the three old presidency armies were converted into four Army Commands.....

In 1907 the four Army Commands were changed into Army Corps Commands, each corps containing two or more divisions. P. 400

## 9. The Press

The Indian Press Act, 1910.

## 10. The European Settlers.

‘ I will quote an English writer who knew India well and cannot be accused of being in the least degree hostile to his own countrymen, who, on the contrary, throughout his career looked at most questions from an English point of view: “ Not only is there no white colony, but there is no white man who purposes to remain..... No ruler stays there to help, to criticise or educate his successor. No white soldier founds

a family. No white man who makes a fortune builds a house or buys an estate for his descendants. The very planter, the very engine-driver, the very foreman of works, departs before he is sixty, leaving no child, no house, no trace of himself behind. No white man takes root in India, and the number even of sojourners is among those masses imperceptible.' "

(H. M. Hyndman, *The Awakening of Asia* 1919, Pages 212-213.)

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## Epilogue

*It may be presumed that Sir Thomas Munro like many men of his generation was quite familiar with the following political document of George Washington. One of the writers in 1832 drew pointed attention to it thus :—*

‘ Whatever, therefore, be the decision of Parliament, I would respectfully address to the constituted authorities of India, with reference to the great problem which they are now solving, in endeavouring to raise a vast nation of the dark coloured races of men to a state of political independence equal to that of their European brethren, I would, I repeat, address them in the language of George Washington when bidding a political adieu to the Americans :—

“Towards the preservation of your government, and the permanency of your present state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexs. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system, and thus undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of government, as of other human institutions ;— that experience is the surest standard, by which to test the real tendency of the existing constitution of a country ; that facility in changes upon the credit of a mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion ; and remember, especially, that for the efficient management of your common interest, in so extensive a country, a government

of as much vigour as is consistent with the perfect security of liberty, is indispensable. Liberty itself will find in such a government, with powers-properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property".

United States  
Sept. 17th, 1796.

George Washington.

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## Longer Foot-Notes.

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### Col. Wilks' Letter to Munro 17 April 1808.

"Col. Munro is one of the ablest and most respectable of men, but he always appeared to me to have an erroneous view of the relations professed to be established in this country between the troops and the inhabitants. The habits which he has introduced into the Ceded Districts and on which the Judges seem to act, are the consequences of a good principle carried to excess, without reference to other good principles by which it ought to be regulated and restrained. It is a principle of the highest importance that our native subjects should have ample protection for their persons and property in all cases and among others against the excesses of the military which (it cannot be denied) do sometimes occur. It is of equal importance that the troops and the departments should be amply supplied with food and forage; and when considered in its proper view, it is of no slender moment that officers should habitually be treated with respect. The mistake is to suppose that these objects are incompatible with each other and (to forget the) fact that they reciprocally promote each other. An obliging conduct on the part of the natives disposes the officer to protect them from injury and this protection disposes them to be obliging. A whole district takes its tone from the person at its head, and it is certainly not very difficult to give such a tone. Officers on the other hand do not so easily take it and never can when they are treated in the manner you describe. The cadet establishment has done a world of injury in this respect: the young men are surrounded by the refuse of the creation, and it requires a fund of good sense to break through the habits of treating the natives which are induced by a communication with these wretches."

Arbuthnot op cit P. 283.

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"Madras from its local situation, from its long possessions in the peninsula, and from its native armies being composed of inhabitants of the Deccan or men of the same language

and habits, is better calculated than any of the other Presidencies to supply the extra force now employed in that province, and whatever more may be at any time required, with expedition and economy."

Also, the Public Sundries, (Madras Records):—Munro's Minutes.

Minute Nov. 1824, para 5:—

"Madras is the presidency where the greatest part of the European force in India has always been stationed."

Page XLIV

### 3. Col. Wilk's letter to Sir Mark Cubbon. The letter dated 9th May 1808.

I have no intention nor wish to detract from the merit of Munro, and I was myself the first to use my humble endeavours to bring him forward as a man of clear head and powerful talents, and such a man I consider to be...

Wilks' report on the 'Administration of Mysore' was printed and distributed by the Governor-General in Council to all Governments and officials, as affording 'much useful information to all public officers' in the Government of India. (Bombay Revenue Consultations. 12th June 1805)

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(b) 'England and India, R. C. Dutt 1897, PP. 42 and 56

(i) 'It was during his [*Marquis of Hastings* administration that the principle advocated by Munro was gradually adopted in practice.'

(ii) 'It is enough to state that he [*Lord William Bentinck*] followed in Bengal the policy which had been inaugurated in Madras and Bombay by Munro and Elphinstone and which was now the settled policy of England towards India'. • Mysore under Sir Mark Cubbon was of the Munro type.

See Bentinck's 'Principles of the future Government of Mysore' in India Political Consultations, 30th March 1835. No. 73.

- (c) Sir Henry Lawrence. Essays, Political and Military. 18, P. 239. '*Sir Henry Hardinge* came to India forewarned, forearmed. He had visited Mountstuart Elphinstone in England and asked his advice. The veteran statesman warned him against meddling with civil details.'
- (d) Dalhousie's private letter. Dec. 23rd, 1852. Life of Sir Henry Lawrence. Edwardes and Meriavale, 1873. Third Edition.

Page LIV

- 4. Even Adam Smith wrote: 'A Company of merchants are, it seems, incapable of considering themselves as sovereigns, even after they have become such.' The Governments in India were 'nuisances in every respect; always more or less inconvenient to the countries in which they are established, and destructive to those which have the misfortune to fall under their Government.' (See the Cambridge Historical Journal, Vol. I, No. 3, PP. 268—9).
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## GLOSSARY

[ A good glossary is that of H.H. Wilson, 1855 ]

<b>Agraharam :</b>	A Brahman Village. A street inhabited by Brahmans alone.
<b>Amani :</b>	Management (Amani Zameen-land managed by Government, Crown land).
<b>Ameen :</b>	Inspector, Manager.
<b>Amildar :</b>	Manager, Overseer.
<b>Asham Peons :</b>	Retinue, Troops, Followers.
<b>Asoph (Azoff) :</b>	The Prime Minister.
<b>Baramahal (Barramaul) :</b>	"The twelve countries," the name of a Zilla now forming part of Salem.
<b>Batha (bata) :</b>	Allowance, Subsistence.
<b>Caul (Cowl, Cowle) :</b>	A promise, Grant, Lease Contract.
<b>Ceded Districts :</b>	Bellary, Anantapur, Cuddapah, and Kurnool Districts of Madras Presidency.
<b>Chauki</b>	A Custom House. A Station.
<b>Chuckler</b>	Cobbler.
<b>Curnam (Karnam) :</b>	A Clerk a Village Accountant.
<b>Cutcherry (Kacheri)</b>	An Office.
<b>Dacoit :</b>	A Gang Robber.
<b>Dasbandam</b> <b>(Duswandham) :</b>	Rent of which a portion is forgiven, a lighter rent, indulgence granted to a benefactor.

<b>Daroga (Darogha) :</b>	Superintendent of Police.
<b>Dubash (Doobash) :</b>	An interpreter, a middleman, guide, manager, money-lender, head-clerk, a shark who does the business of strangers.
<b>Fusly (Fasli) :</b>	An official year.
<b>Ghee :</b>	Clarified butter.
<b>Gollar (Gola) :</b>	Guard set over a granary or over a treasury.
<b>Gour (Gowd) :</b>	Head farmer.
<b>Gumastha :</b>	A clerk.
<b>Havalisarkargram (Haveelysarkargram) :</b>	Government land.
<b>Huzur (Huzzoor) :</b>	Presence, His Honour, Lordship, The Royal Presence.
<b>Inam (Enam, Enaum) :</b>	A favour, a gift, land granted free of tax or only slightly assessed.
<b>Jagheer (Jahagir, Jagir) :</b>	A Rent-free land, a rent free tenure.
<b>Jamadar :</b>	An officer in charge of the treasure, jewels etc., of the State.
<b>Jilla (Zillah) :</b>	A district.
<b>Killadar :</b>	The Commandent of a fort, the governor.
<b>Kistbundy :</b>	Settlement of instalments, contracting for payment, a decision regarding revenue dues.

<b>Kusbah (Kasba) :</b>	A market town. Head-quarters.
<b>Lackerjee (Lakerji, Lakhiraj) :</b>	Free from taxation, rent free land ; Land that pays no revenue.
<b>Malguzari (Malgoozar, Malguzar) :</b>	Taxed, copy-hold land.
<b>Manegar (Monigar ; Tamil Maneyakarar) :</b>	A head man. Manager.
<b>Manyam (Maniyam) :</b>	Land granted free of revenue, land granted rent free to a Brahmin.
<b>Masalchi (Masaljee) :</b>	A Torch-bearer. A menial servant attached to an office.
<b>Mirasidar :</b>	A heritor, a tacksman.
<b>Mocudim (Mukaddam) :</b>	Local officer, bailiff.
<b>Mootadar (Mootahdar) :</b>	A petty lord, the governor of a small village.
<b>Mundil (Mandil-error for Mandiram) :</b>	A temple. A Group. A Province.
<b>Munshi (Moonshee) :</b>	A clerk, minister, tutor, secretary.
<b>Munsiff (Munsif) :</b>	A judge who decides civil suits : usually an Indian.
<b>Nabab (Nawab) :</b>	Literally a chief, a baron, a petty prince.
<b>Nala (Nullah) :</b>	A canal, a water-course.
<b>Nattamkar (Nattar) :</b>	Head of Village.
<b>Nirganti :</b>	Regulator of the Village tank sluice.

<b>Nizam :</b>	Arranger, (nizamulmulk <i>i. e.</i> , regulator of the Kingdom, title borne by the ruler of Hyderabad).
<b>Palegar (Poliyagar, Poligar, Polegaru)</b>	A laird, a petty baron, a manor.
<b>Panchayat :</b>	A compensation jury, arbitrators who are usually five in number.
<b>Patel (Patela) :</b>	The managing proprietor of a Village.
<b>Pattah (Patah Patau, Potta) :</b>	Lease.
<b>Pegoda (Pagoda) :</b>	A gold coin, a Hindu temple.
<b>Peshkar (Peshcar) :</b>	The head clerk, the deputy.
<b>Prowurtak (Provertocare, Manager, Superintendent. Pravaritaka) :</b>	
<b>Saraf (Shroff) :</b>	A manager, a cash-keeper.
<b>Sayer (Sair) :</b>	The transit duty, tax formerly levied on personal property or on merchandise in transit.
<b>Sherishtadar (Seristadar) :</b>	Chief Superintendent, head clerk.
<b>Shrotriyam :</b>	A living ; a land held on quit-rent by a priest.
<b>Sirdar (Sardar) :</b>	The Headman, the chief.
<b>Sirkar (Sarkar) :</b>	Government, a clerk.
<b>Tahsildar :</b>	A collector of revenue, a native officer collecting the revenue

from a given tract under a Zamindar or European collector.

**Tallary (Talliar, Talavari) :** A village watchman.

**Taluk (talluk, talook) :** A dependency, a country, a district, a sub-division.

**Tanka (Tankha) :** A coin in different metals, a bill, a cheque or money order, a warrant for exacting revenue.

**Thana (thanah) :** A police station, a military post.

**Thanadar :** A constable, a head man, a petty police officer.

**Vakil (Vakeel, Wakeel) :** A messenger, ambassador, a lawyer, a pleader.

**Zamindar :** A Vassal ; a landholder, landholder by a grant that is conditional.

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